

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON WEDNESDAY THE THIRTY FIRST
DAY OF DECEMBER, IN THE YEAR OF OUR LORD, 1845, AND OF
THE COMMONWEALTH, THE FIFTY FOURTH.

FRANKFORT, KY.

A. G. HODGES:::::::::STATE PRINTER.
1845.

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JOURNAL
OF THE
HOUSE OF REPRESENTATIVES.

At a General Assembly begun and held for the Commonwealth of Kentucky, at the Capitol, in the town of Frankfort, on Wednesday, the 31st day of December, in the year of our Lord, 1845, and in the 54th year of the Commonwealth—on which day (being that designated by law) the following members of the House of Representatives appeared, viz:

- From the county of *Adair*—James O. Wheat.
- From the county of *Allen*—Joseph G. Anthony.
- From the county of *Anderson*—Randall Walker.
- From the county of *Boyle*—John Barkley.
- From the county of *Bracken*—David Brooks.
- From the county of *Bullitt*—James Combs.
- From the county of *Bourbon*—Ezekiel Thurston and Jeremiah Duncan.
- From the county of *Barren*—James G. Hardy and William C. Whitsett.
- From the county of *Breckinridge*—Joseph Smith.
- From the county of *Boone*—George W. Brasher.
- From the counties of *Breathitt* and *Morgan*—George Bowling.
- From the county of *Bath*—Harrison Conner.
- From the counties of *Butler* and *Edmonson*—Asa B. Gardner.
- From the county of *Campbell*—Ira Root.
- From the county of *Caldwell*—James Clark.
- From the county of *Christian*—Roger F. Kelly.
- From the county of *Clarke*—John C. Hunton.
- From the counties of *Carroll* and *Gallatin*—Henry J. Abbett.
- From the county of *Casey*—Thomas S. Speed.
- From the counties of *Cumberland* and *Clinton*—David R. Haggard.
- From the counties of *Carter* and *Lawrence*—Samuel Short,
- From the counties of *Calloway* and *Marshall*—Alfred Johnston.

- From the counties of *Clay, Letcher, and Perry*—Hiram Begley.
From the county of *Daviess*—Camden Riley.
From the counties of *Estill and Owsley*—Berry Stone.
From the county of *Franklin*—James Harlan.
From the county of *Fayette*—Leslie Combs and George W. Darnaby.
From the counties of *Floyd, Pike, and Johnson*—James K. Layne.
From the county of *Fleming*—Leander M. Cox and Dixon Clack.
From the county of *Graves*—Richard L. Mays.
From the county of *Greenup*—Samuel Seaton.
From the county of *Grant*—Lewis Myers.
From the county of *Garrard*—William B. Mason.
From the county of *Green*—Felix T. Murray and William Barnett.
From the county of *Grayson*—Charles Wortham.
From the county of *Hardin*—Thomas D. Brown and Claiborne Howell.
From the county of *Hancock*—William D. Mayhall.
From the county of *Henry*—George R. Fallis.
From the counties of *Knox and Harlan*—James Sparks.
From the county of *Hart*—David W. Maxey.
From the county of *Harrison*—Lucius Desha and Joseph Shawhan.
From the county of *Jefferson*—Isaac P. Miller and Daniel E. Jones.
From the county of *Jessamine*—James H. McCampbell.
From the city of *Louisville*—Hamilton Pope and William E. Glover.
From the county of *Kenton*—John W. Stevenson.
From the county of *Larue*—William Cessna.
From the counties of *Laurel and Rockcastle*—Elisha Smith.
From the county of *Lincoln*—Benjamin F. Purdom.
From the county of *Lewis*—Uriah R. McKellup.
From the county of *Logan*—Robert C. Bowling and Eli Orndorff.
From the county of *Livingston*—Francis H. Dallam.
From the county of *Muhlenburg*—Wiley S. Hay.
From the county of *Madison*—John Speed Smith and Salem Wallace.
From the county of *Montgomery*—Belvard J. Peters.
From the county of *Mercer*—John P. Lapsley.
From the county of *Marion*—Cornelius Railey.
From the county of *Meade*—William Alexander.
From the county of *Monroe*—John S. Barlow.
From the county of *Mason*—Henry Waller and John M. Breden.
From the county of *Nelson*—Henry Gore and Albert G. Botts.
From the county of *Nicholas*—John W. Finnell.
From the county of *Owen*—James P. Orr.
From the county of *Oldham*—Thomas A. Rodman.
From the county of *Ohio*—Elisha M. Ford.

From the county of *Pulaski*—Milford Elliott.
 From the county of *Pendleton*—Henry W. Cleaveland.
 From the county of *Russell*—Shelby Stone.
 From the county of *Simpson*—Samuel Hatfield.
 From the county of *Shelby*—Shannon Reid and James G. Balee.
 From the county of *Scott*—William Gano.
 From the county of *Spencer*—Alexander W. Thomas.
 From the county of *Trimble*—Daniel B. Johnson.
 From the county of *Todd*—Robert E. Glenn.
 From the county of *Trigg*—John C. Whitlock.
 From the county of *Union*—Willis G. Hughes.
 From the county of *Woodford*—Richard G. Jackson.
 From the county of *Washington*—Jesse Moore.
 From the county of *Wayne*—Milton Mills.
 From the county of *Warren*—Joseph R. Underwood.
 From the county of *Whitley*—Jeptha W. Brawner.

Who, constituting a quorum, and having severally taken the oaths prescribed by the Constitution of the United States and Constitution and Laws of this State, repaired to their seats.

Mr. Harlan nominated Mr. Joseph R. Underwood as a suitable person to fill the office of Speaker, and Mr. Root nominated Mr. James G. Hardy, and the vote being taken, it stood thus:

Those who voted for Mr. Underwood, are as follows:

Messrs. Alexander,	Gore,	Pope,
Balee,	Haggard,	Purdum,
Barkley,	Harlan,	Railey,
Botts.	Hay,	Reid,
Bowling, R. C.	Hughes,	Riley,
Breden,	Hunton,	Seaton,
Brown,	Jackson,	Smith, E.
Brooks,	Jones,	Smith, J.
Clack,	Kelly,	Smith, J. Speed,
Combs, J.	Layne,	Sparks,
Combs, L.	Mason,	Speed,
Cox,	Mayhall,	Stone, B.
Dallam,	Mays,	Stone, S.
Darnaby,	Maxey,	Thurston,
Duncan,	McC Campbell,	Wallace.
Ford,	McKellup,	Waller,
Finnell,	Mills,	Wheat,
Glenn,	Myers,	Whitsett,
Glover,	Orndorff,	Wortham—57.

Those who voted for Mr. Hardy, are as follows:

Messrs. Abbett,	Desha,	Murray,
Anthony,	Elliott,	Orr,
Barlow,	Fallis,	Peters,

Barnett,
Begley,
Bowling, G.
Brasher,
Brawner,
Cessna,
Clarke,
Cleaveland,
Conner,

Gano,
Gardner,
Hatfield,
Howell,
Johnson, D. B.
Johnston, A.
Lapsley,
Miller,
Moore,

Rodman,
Root,
Shawhan,
Short,
Stevenson,
Thomas, A. W.
Walker,
Whitlock—35.

Mr. Underwood having received a majority of all the votes given, was declared duly elected Speaker, and conducted to the Chair; from whence he returned thanks for the honor conferred, and recommended the observance and preservation of good order and decorum.

Mr. Thomas J. Helm was unanimously elected Clerk, and Mr. Joseph Gray Sergeant-at-Arms.

Mr. Hughes nominated Mr. William R. Campbell as a suitable person to fill the office of Doorkeeper; Mr. Barclay nominated Mr. William P. Saufley; Mr. E. Smith nominated Mr. Elijah Kirtley; Mr. Mayhall nominated Mr. Joseph H. Mayhall; Mr. Clarke nominated Mr. William F. Leathers, and Mr. L. Combs nominated Mr. William N. Pettit; and the vote being taken it stood thus:

Those who voted for Mr. Campbell, are as follows:

Messrs. Alexander,	Finnell,	Orndorff,
Balee.	Glover,	Pope,
Botts,	Gore,	Railey,
Bowling, R. C.	Hay,	Reid,
Breden,	Howell,	Riley,
Brown,	Hughes,	Sparks,
Clack,	Jones,	Stone, B.
Combs, J.	Kelly,	Thurston,
Cox,	McCampbell,	Waller,
Dallam,	McKellup,	Whitsett,
Duncan,	Myers,	Wortham—34.
Ford,		

Those who voted for Mr. Saufley, are as follows:

Mr. Speaker,	Layne,	Speed,
Messrs. Barkley,	Maxey,	Stone, S.
Glenn,	Mills,	Wheat—10.
Haggard,		

Those who voted for Mr. Kirtley, are as follows:

Messrs. Brawner,	Mason,	Smith, E.
Brooks,	Purdum,	Smith, J. Speed
Elliott,	Seaton,	Wallace—9.

Those who voted for Mr. Mayhall, are as follows:

Messrs. Gardner,	Jackson,	Mays,
Harlan,	Mayhall,	Smith, J.—6.

Those who voted for Mr. Leathers, are as follows :

Messrs. Abbett,	Desha,	Orr,
Anthony,	Fallis,	Peters,
Barlow,	Gano,	Rodman,
Barnett,	Hardy,	Root,
Begley,	Hatfield,	Shawhan,
Bowling, G.	Johnson, D. B.	Short,
Brasher,	Johnson, A.	Stevenson,
Cessna,	Lapsley,	Thomas, A. W.
Clarke,	Miller,	Walker,
Cleaveland,	Moore,	Whitlock—32.
Conner,	Murray,	

Those who voted for Mr. Pettit, are as follows :

Messrs. Combs, L.	Darnaby,	Hunton—3.
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No one on nomination having received a majority of all the votes given, Mr. L. Combs then withdrew the nomination of Mr. Pettit—and, Mr. Clarke withdrew the nomination of Mr. Leathers.

Mr. John H. Priest, the member returned to serve in this House from the county of Henderson, and Mr. John W. Headley, the member returned to serve in this House from the county of Crittenden, appeared, produced certificates of their election and having taken the oath prescribed by the Constitution and Laws of this State, took their seats.

The vote was then taken between those remaining on nomination, and it stood thus :

Those who voted for Mr. Campbell, are as follows :

Messrs. Alexander,	Finnell,	Pope,
Balee,	Glover,	Railey,
Botts,	Gore,	Reid,
Bowling, R. C.	Hay,	Riley,
Brasher,	Headley,	Root,
Brawner,	Howell,	Smith, J.
Breden,	Hughes,	Sparks,
Brown,	Jones,	Stevenson,
Clack,	Kelly,	Stone, B.
Combs, J.	McCampbell,	Thomas, A. W.
Combs, L.	McKellup,	Thurston,
Cox,	Miller,	Waller,
Dallam,	Moore,	Whitlock,
Darnaby,	Myers,	Whitsett,
Duncan,	Orndorff,	Wortham—46.
Ford,		

Those who voted for Mr. Saufley, are as follows :

Mr. Speaker.	Cleaveland,	Maxey,
Anthony,	Conner,	Mills,
Barkley,	Fallis,	Murray,

Barlow,
Barnett,
Begley,
Bowling, G.
Cessna,
Clarke,

Gardner,
Glenn,
Haggard,
Hardy,
Hatfield,
Layne,

Peters,
Short,
Speed,
Stone, S.
Wheat--26.

Those who voted for Mr. Kirtley, are as follows :

Messrs. Brooks,
Elliott,
Johnson, D. B.

Mason,
Purdom,
Seaton,

Smith, E.
Smith, J. Speed
Wallace--9.

Those who voted for Mr. Mayhall, are as follows :

Messrs. Abbett,
Desha,
Gano,
Harlan,
Hunton,

Jackson,
Johnston, A.
Lapsley,
Mayhall,
Mays,

Orr,
Priest,
Rodman,
Shawhan,
Walker--15.

Mr. E. Smith then withdrew the nomination of Mr. Kirtley.

And the vote being taken between those remaining on nomination, it stood thus :

Those who voted for Mr. Campbell, are as follows :

Messrs. Alexander,
Balee,
Botts,
Bowling, R. C.
Brasher,
Brawner,
Breden,
Brown,
Clack,
Combs, J.
Combs, L.
Cox,
Dallam,
Darnaby,
Duncan,
Ford,

Finnell,
Glover,
Gore,
Hay,
Headley,
Howell,
Hughes,
Jones,
Kelly,
McC Campbell,
McKellup,
Miller,
Moore,
Myers,
Orndorff,
Pope,

Railey,
Reid,
Riley,
Root,
Smith, J.
Smith, J. Speed
Sparks,
Stevenson,
Stone, B.
Thomas, A. W.
Thurston,
Wallace,
Waller,
Whitlock,
Whitsett,
Wortham--48.

Those who voted for Mr. Saufley, are as follows :

Mr. Speaker,
Messrs. Anthony,
Barkley,
Barlow,
Barnett,
Begley,
Bowling, G.
Cessna,
Clarke,
Cleaveland,
Conner,

Desha,
Elliott,
Fallis,
Gardner,
Glenn,
Haggard,
Hardy,
Hatfield,
Lapsley,
Layne,

Maxey,
Mills,
Murray,
Orr,
Peters,
Purdom,
Short,
Speed,
Stone, S.
Wheat--31.

Those who voted for Mr. Mayhall, are as follows:

Messrs. Abbett,	Johnson, D. B.	Rodman,
Brooks,	Johnston, A.	Seaton,
Gano,	Mason,	Shawhan,
Harlan,	Mayhall,	Smith, E.
Hunton,	Mays,	Walker--17.
Jackson,	Priest,	

Mr. Mayhall then withdrew the nomination of Mr. Joseph H. Mayhall.

And the vote being taken between those remaining on nomination, it stood thus :

Those who voted for Mr. Campbell, are as follows :

Messrs. Alexander,	Gore,	Pope,
Balee,	Harlan,	Railey,
Botts,	Hay,	Reid,
Bowling, R. C.	Headley,	Riley,
Brasher,	Howell,	Rodman,
Brawner,	Hughes,	Root,
Breden,	Jackson,	Smith, J.
Brown,	Johnson, D. B.	Smith, J. Speed
Brooks,	Johnston, A.	Sparks,
Clack,	Jones,	Stevenson,
Combs, J.	Kelly,	Stone, B.
Combs, L.	Mason,	Thomas, A. W.
Cox,	Mays,	Thurston,
Dallam,	McC Campbell,	Walker,
Darnaby,	McKellup,	Wallace,
Duncan,	Miller,	Waller,
Ford,	Moore,	Whitlock,
Finnell,	Myers,	Whitsett,
Glover,	Orndorff,	Wortham--57.

Those who voted for Mr. Sautley, are as follows :

Mr. Speaker,	Elliott,	Mills,
Messrs. Abbett,	Fallis,	Murray,
Anthony,	Gano,	Orr,
Barkley,	Gardner,	Peters,
Barlow,	Glenn,	Priest,
Barnett,	Haggard,	Purdom,
Begley,	Hardy,	Seaton,
Bowling, G.	Hatfield,	Shawhan,
Cessna,	Hunton,	Short,
Clarke,	Lapsley,	Smith, E.
Cleaveland,	Layne,	Speed,
Conner,	Mayhall,	Stone, S.
Desha,	Maxey,	Wheat--39.

Mr. Campbell having received a majority of all the votes given, was declared duly elected Doorkeeper for the present session.

Mr. Harlan moved the following resolution, viz :

Resolved, That the standing rules and orders of the last House of Representatives, be adopted as the rules of this House until otherwise directed; and that a select committee of three be appointed to revise said rules, and make report thereof as early as practicable.

Mr. S. Stone moved to amend said resolution by adding the following proviso, viz:

Provided, That this House will now proceed to the election of an Assistant Clerk,

Mr. Hardy moved to amend said amendment by adding the following, viz:

And that his compensation shall be at the rates of five dollars per day during the present session; and that the committee on Claims be instructed to report accordingly, when they report the bill making the allowance to that officer.

The question was then taken on the adoption of the amendment to the amendment, and decided in the affirmative.

The question was then taken on the adoption of the amendment as amended, and decided in the affirmative.

The question was then taken on the adoption of the resolution as amended, and decided in the affirmative.

Mr. Brown nominated Mr. John C. Herndon as a suitable person to fill the office of Assistant Clerk, and Mr. S. Stone nominated Mr. Rice Maxey, and the vote being taken, it stood thus:

Those who voted for Mr. Herndon, are as follows:

Messrs. Abbett,	Glover,	Moore,
Balee,	Gore,	Myers,
Botts,	Harlan,	Orr,
Brasher,	Howell,	Pope,
Breden,	Hunton,	Reid,
Brown,	Jackson,	Rodman,
Brooks,	Johnson, D. B.	Root,
Cessna,	Johnston, A.	Seaton,
Clack,	Jones,	Short,
Cleaveland,	Kelly,	Smith, J.
Combs, J.	Layne,	Stevenson,
Cox,	Mayhall,	Stone, B.
Dallam,	Mays,	Thomas, A. W.
Darnaby,	McCampbell,	Thurston,
Duncan,	McKellup,	Walker,
Finnell,	Miller,	Waller—48.

Those who voted for Mr. Maxey, are as follows:

Mr. Speaker,	Ford,	Peters,
Messrs. Alexander,	Gano,	Priest,
Anthony,	Gardner,	Purdom,
Barkley,	Glenn,	Railey,
Barlow,	Haggard,	Riley,
Barnett,	Hardy,	Shawhan,

Begley,	Hatfield,	Smith, E.
Bowling, G.	Hay,	Sparks,
Bowling, R. C.	Headley,	Speed,
Brawner.	Hughes,	Stone, S.
Clarke,	Lapsley,	Wallace,
Combs, L.	Mason,	Wheat,
Conner,	Maxey,	Whitlock,
Desha,	Mills,	Whitsett,
Elliott,	Murray,	Wortham—47.
Fallis,	Orndorff,	

Mr. John C. Herndon having received a majority of all the votes given, was declared duly elected Assistant Clerk.

Mr. Anthony moved the following resolution, viz:

Resolved, That the Speaker request the resident ministers of the different denominations in Frankfort, alternately to open the House with prayer, during the present session.

And the question being taken on the adoption of said resolution, it was decided in the affirmative.

On motion of Mr. L. Combs,

Ordered, That a message be sent to the Senate, informing them that this House had met, formed a quorum, and elected their officers, are now ready to proceed to legislative business. That they had appointed a committee on their part to act in conjunction with a committee on the part of the Senate, to wait upon the Governor, and inform him that they are now ready to receive such communication, (by way of message,) as he may think proper to make.

Whereupon, Messrs. L. Combs, Hardy and Harlan were appointed a committee on the part of this House.

Ordered, That Mr. L. Combs inform the Senate thereof.

On motion of Mr. Brasher,

Ordered, That leave of absence be granted him until Monday next.

On motion of Mr. Clark,

Ordered, That William Tanner, Editor of the Kentucky Yeoman, be allowed a seat in this House, to report its proceedings.

On motion of Mr. Harlan,

Ordered, That Mr. A. R. Murray be allowed a seat in this House for the purpose of reporting its proceedings for the Shelby News.

A message was received from the Senate by Mr. Harris,

Mr. Speaker: I am directed by the Senate to inform this House, that the Senate having met, formed a quorum, and elected their officers, are now ready to proceed to legislative business.

And then he withdrew.

The committee appointed to wait upon the Governor retired, and after a short time returned, when Mr. L. Combs from the committee, reported, that the joint committee had performed the duty assigned them, and were in-

formed by the Governor that he would make a communication, (by way of message,) to both Houses of the General Assembly, in their respective Chambers, on to-morrow at eleven o'clock, A. M.

And then the House adjourned.

THURSDAY, JANUARY 1, 1846.

Mr. Benjamin G. Dudley, the member returned to serve in this House from the county of Hickman, appeared, produced a certificate of his election and having taken the several oaths prescribed by the Constitution and Laws of this State, took his seat.

Mr. Harlan moved the following resolution, viz:

Resolved, That A. E. Draper be permitted to take a seat within the bar of the House, for the purpose of reporting its proceedings for the Daily Commonwealth.

Which being twice read was adopted.

Mr. J. Speed Smith moved the following resolution, viz:

Resolved, That the President of the Board of Internal Improvement, report to this House, with as little delay as possible, the number of additional Locks and Dams necessary to extend slack water navigation to the Three Forks of the Kentucky river; also, an estimate of the probable cost of each Lock and Dam, designating the locality of each Lock and Dam, as nearly as practicable, from the facts in his possession.

Which being twice read, was adopted.

Mr. Harlan, from the committee to whom was referred the Rules of last session for revision, reported the same with sundry amendments; which were concurred in.

Ordered, That the Public Printer forthwith print 150 copies of said Rules, as amended, for the use of the members of the General Assembly.

Mr. Finnell presented the petition of Mr. James N. Stephens, of Boone county, contesting the seat of George W. Brasher, the member returned to serve in the present General Assembly from said county.

Mr. Cox moved the following resolution, viz:

Resolved, That the petition of James N. Stephens, be referred to a select committee of five members, and that they have power to send for persons, papers, and records.

Which was concurred in.

A message was received from the Governor by Mr. Kinkead

Mr. Speaker: I am directed by the Governor to lay before this House a message in writing.

The said message was then taken up and read as follows, viz:

Gentlemen of the Senate,

and House of Representatives:

Permitted by the favor of Providence to assemble for the purpose of executing a highly important trust, we cannot begin in a manner more becoming than by acknowledging our dependence on Him, "from whom all good counsels and just works proceed," and invoking His blessing that we may be enabled to bring our labors to result beneficially to the people we represent.

The past year has just terminated without any extraordinary and unexpected change in the condition of the Commonwealth. At the date of my annual Message to the last General Assembly, the State was indebted to the Education Fund:

5 per cent. bonds, - - - - -	\$ 850,000
6 per cent. bonds, - - - - -	67,000

Total amount of bonds, - - - - -	\$ 917,000
Interest unpaid on said bonds up to January, 1845, - - - - -	198,430

Total, principal and interest, - - - - -	\$ 1,115,430
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These bonds were held by the Board of Education. As required by an act of the last Legislature, these bonds were cancelled and burnt, in August last, in presence of the Secretary, Second Auditor, and Treasurer. But duplicate lists of the bonds were previously made out and signed in the manner required by the act, one of which was delivered to the Secretary and the other to the Second Auditor, and by them recorded in their respective offices. At the same time was delivered to the Board of Education, a copy of the lists, made and authenticated as required by the act. That copy is now held by the Board as an evidence of the obligation of the State to the Education Fund.

Two bonds of the State for \$10,000 each, which were held by the Commissioners of the Sinking Fund, have been surrendered by them, and cancelled and burnt as required by the same act.

In the course of the past year, thirty years bonds have been issued, as follows:

In exchange for Railroad bonds, for which the State was guarantor, - - - - -	\$ 150,000
In exchange for six years bonds - - - - -	24,000
To repair Lock and Dam No. 1, on the Barren river, as required by an act of the last Legislature, - - - - -	10,000
Total amount issued, - - - - -	\$ 184,000

And during the same time there have been withdrawn from circulation and cancelled, bonds of the State, as follows:

Railroad bonds, for which the State was guarantor,	\$ 150,000
Six years State bonds, for which thirty years bonds were exchanged, - - - - -	24,000
The Board of Internal Improvement have also cancelled six years bonds to the amount of \$17,000, which were received by them from the Lessees of the Railroad for rent prior to 1845, - - - - -	17,000
And there have been withdrawn from circulation and cancelled, one thirty years bond for \$1,000, and \$2,600 of six years bonds paid into the Treasury by the Lessees of the Railroad, in part for the rent of 1845, - - - - -	3,600
Total bonds cancelled, - - - - -	\$194,600

These transactions place the debt of the State, at present, in a condition somewhat different from what it was at the time of my former annual Message. The State was then indebted for bonds she had issued and which were outstanding, \$4,269,000, and as guarantor for Railroad bonds, \$150,000; making together a debt of \$4,419,000. The State is now indebted for bonds issued in exchange for those Railroad bonds, and those issued for all other purposes, \$4,408,400. So that instead of an increase of the State debt, the gratifying fact is exhibited that during the past year, the debt of the State has been actually diminished \$10,600. The diminution of the debt will be greater, if we take into the account a further liability, which was unknown to me and consequently not noticed in my former Message, but which was at that time resting on the State to redeem outstanding certificates, usually denominated *Scrip*, which, by an arrangement with the Governor, were issued by the Northern Bank of Kentucky for purposes of internal improvement and to repair the Railroad, under an act of 3d of March, 1842. The Treasurer has received \$1,447 of those certificates or scrip, from the Lessees of the Railroad for part of the rent of 1845, and the same have been cancelled. There still remains \$1,056 of the certificates or scrip outstanding and to be redeemed by the State.

The debt may also be further reduced, if it shall be the pleasure of the Legislature to direct the cancelment of \$2,100 of six years bonds, which are held by the Treasurer for the benefit of the State. These bonds were purchased, by my advice, with money which had been paid into the Treasury under the act of the 18th of February, 1842, entitled, "An act to invest the Craddock fund." The money was lying idle in the Treasury and bearing interest against the State, and it was thought best to apply it to the purchase of State bonds which were also bearing interest, and thereby save the State from the burthen of double interest. Including the amount al-

ready received, there may be paid into the Treasury, of that fund, \$20,000; and it is submitted for your consideration whether provision should not be made for its appropriation to some productive purpose.

The present funded debt of the State, including every description of bonds heretofore issued and not cancelled, amounts, as before remarked, to \$4,408,400, and may be classified as follows:

5 per cent. bonds, payable 35 years after date,	-	\$ 165,000
5 per cent. bonds, payable 30 years after date,	-	450,000
6 per cent. bonds, payable 30 years after date,	-	3,579,000
6 per cent. bonds, payable 6 years after date,	-	100,400
6 per cent. bonds, (for repair of Railroad,) payable 6 years after date,	- - - - -	84,000
Money borrowed from Bank of Louisville,	- -	30,000

Total amount, - - - - - \$ 4,408,400

To this amount should be added \$1,056 of the Railroad and Internal Improvement certificates or scrip, issued by the Northern Bank, still outstanding and redeemable by the State:—making the aggregate State debt, at present, \$4,409,456.

But in connection with this subject, it is proper to remark, that the State is in possession of means by which part of the debt might be extinguished, without burthening the people with taxation. The State holds in her own name

7,000 shares of stock in the Bank of Kentucky,	\$700,000
2,500 shares of stock in the Northern Bank of Kentucky,	250,000

And in the name of the Commissioners of the Sinking Fund,

406 shares of stock in the Bank of Louisville,	- 40,600
2,399 shares of stock in the Bank of Kentucky,	- 239,900
400 shares of stock in Northern Bank of Kentucky,	40,000

Total amount of Bank stocks, - - - \$ 1,270,500

This sum deducted from the entire amount of debt, as above stated, leaves \$3,138,956, which may be considered as the actual burthen of debt on the State. But when we consider that, to meet this indebtedness, the State has a very large amount of stock in the various turnpike roads, and owns the entire Kentucky and Green River Navigation, which are yearly becoming more productive to the State, and therefore more valuable; and that the State also owns the Railroad, which is in successful operation, and yielding a handsome rent to the State—it will be seen that the indebtedness may be considered as greatly diminished by these vast assets, and all fears of oppression of the people, by reason of their State debt, dismissed as groundless and illusory. This gratifying fact furnishes a conclusive answer to such persons as are disposed to reproach those who were instrumental in carrying out the internal improvements which are adding so much to the wealth, convenience and comfort of the people.

The means appropriated by law to that purpose were sufficient to pay the interest of the public debt for the fiscal year ending the 10th October, 1845. The interest is payable semi-annually, and much the greater portion on the first of January and July, in each year, in the city of New York.

The Commissioners of the Sinking Fund, to whom payment is intrusted, placed in the Bank of America, at New York, in due time, funds adequate to pay the interest that became payable at that place, on the first of January and July last, and they have remitted to that Bank sufficient funds to pay the January instalment of interest in 1846. The last two payments of interest have been made without anticipating any means of the Sinking Fund which had not been received by them; and it is confidently believed that the means of the fund will enable them to be equally punctual in the payment of interest in future. Looking to the past, nothing is discovered to excite apprehension that the receipts of the Sinking Fund will diminish; but, on the contrary, we have reason to anticipate an increase in those receipts in future.

A greater amount will probably be received in dividends on stock in the Bank of Kentucky, and there is no likelihood that less will be received on dividends of stock in the other Banks. The receipts of toll from the turnpike roads and river navigation are increasing, and will likely continue to increase. The receipts into the Treasury from turnpike roads for the fiscal year ending the 10th Oct., 1843, amounted to \$13,502 08. The receipts from the same source for the fiscal year ending the 10th Oct., 1844, amounted to \$18,805 01. And the amount from the same source for the fiscal year ending the 10th Oct., 1845, amount to \$24,869 41. The receipts into the Treasury from the Kentucky River Navigation for the fiscal year ending the 10th Oct., 1843, amounted to \$3,900. The receipts from the same source for the year ending the 10th Oct., 1844, amounted to \$10,863 45; and for the year ending the 10th Oct., 1845, they amount to \$17,244 15. In their transit to the Treasury, the tolls on the Kentucky river, at present, pass through the Board of Internal Improvement; and the gross receipts of the Board for the years ending the last of December in 1843, 1844, and 1845, show a still greater increase. The gross receipts for the year ending the last of December, 1843, amounted to \$7,852 49; in 1844, \$19,044 34; and in 1845, they amount to about \$34,000.

We should, however, be exceedingly careful not to do any thing by which any portion of the present resources or means of the Sinking Fund may be withdrawn or applied to other purposes. It is upon that fund we rely to pay the interest on the State debt, and it is only by fostering the resources and applying the means of the Sinking Fund to the punctual payment of interest, that we can sustain the present deservedly high credit of our State—a credit not to be mentioned without exciting emotions of exultation and

pride in the breast of every lover of his country. It is a pleasing reflection that throughout the party strifes and conflicts by which the country has been frequently agitated, the love of justice has been sufficiently strong to hush the voice of repudiation and bring together and unite all in one harmonious party, animated with equal zeal and fixed determination to maintain the good faith and exalted credit of the State.

But whilst we avoid encroaching upon the Sinking Fund, it is due to the people we represent that we guard with watchful vigilance against wasteful or extravagant expenditure of its means, and afford all necessary facilities to enable the Commissioners, to whom the management of that fund is intrusted, to apply its resources and means to their legitimate purpose, without incurring as much cost as they have hitherto been compelled to suffer. This might be done by giving power to the Commissioners to deal in bills of exchange. It may be that by implication such a power is derivable from the law by which they were incorporated, and the duties which the Commissioners are required to perform. But it is much more desirable for them to have the explicit sanction of the State in a matter so important, than to be left to derive authority for their action by doubtful construction or implication. With such a power, the means of the fund might be profitably used in the purchase of bills, and, through their instrumentality, suitable funds transmitted to the proper place to pay interest, with a saving of the exchange, which, in times past, has been paid, and which has, so far, averaged more than \$3,000 per year.

The accounts of the Sinking Fund now pass through the offices of the Auditor and Treasurer, as required by an act of the last Legislature, and from the reports which will be made by those officers, and the report of the Commissioners of the Sinking Fund, you will be put in possession of full information as to the transactions of the Commissioners in the past year, and the present condition of the fund.

Shortly after the adjournment of the last Legislature, Thomas Porter and George B. Kinkead, Esqrs., were commissioned, under an act of the 10th February, 1845, to audit and settle the accounts of the President of the Bank of the Commonwealth, and to audit and settle the accounts of the Sinking Fund. It was afterwards found impracticable for Mr. Porter to devote the time and service necessary to a faithful discharge of all the duties required by the act; and he accordingly resigned his commission. Whereupon, H. I. Bodley, Esq., was commissioned to supply his place. Messrs. Kinkead and Bodley entered upon their duties in September last, and after some months of patient and laborious investigation, brought their labors to a close—a full statement of which, embodied in their report, will be laid before you.

The Second Auditor's report, with which you will be furnished, contains

a full and lucid statement of the financial condition of the State, and the resources by which the expenditures of the Government, in the present year, are to be discharged. The receipts into the Treasury were ample to pay all the demands which were made against it throughout the fiscal year ending the 10th of October, 1845, and according to his present report, the receipts will be sufficient to enable the Treasury to discharge the claims which may probably come against it, in the present year. There was received into the Treasury, in the fiscal year ending the 10th October last, \$354,694 16, which, added to \$41,114 40 in the Treasury the 10th of October, 1844, make the amount of \$395,808 46. And there was paid by the Treasury, in the same time, \$362,364 10, which, deducted from \$395,808 46, left in the Treasury on the 10th October, 1845, a balance of \$33,444 36.

It is expected by the Second Auditor that there will be received into the Treasury, in the fiscal year ending the 10th October, 1846, \$363,462 61, which, added to \$33,444 36, remaining in the Treasury the 10th of October, 1845, make the sum of \$396,906 97. And the expenditures for the same year are expected to amount to \$377,084, 20, which, deducted from \$396,906 97, the amount of expected receipts, leaves a balance of \$19,822 57, expected to be in the Treasury on the 10th of October, 1846.

The report of the Second Auditor exhibits an increase of about five per centum in the tax receivable on property listed by the Commissioners of Tax in the year 1845, above what it was on property listed in the preceding year: and the increase, I am satisfied, would have been much greater if the duties of taking in the taxable property had been, in many cases, conferred on more competent Commissioners, and performed by them with entire accuracy. It is perfectly apparent that many of the Commissioners are destitute of the necessary qualifications to discharge correctly the duties enjoined upon them by law, and it is much to be lamented that the public interest should be brought to suffer from the ignorance of agents selected as Commissioners of Tax too frequently without regard to their qualifications or fitness for the station. It will give me great pleasure to unite with the Legislature in any constitutional measure which may, in their wisdom, be devised to remedy the evil and prevent its recurrence in future.

It may not, in this place, be inappropriate to make a suggestion or two in reference to the collectors of the public revenue. Sheriffs, at present, are entitled to a commission of *seven and a half* per centum on the amount of revenue collected by them, and they are required to make payment into the Treasury of the amount to which the State is entitled, against the first day of December annually. Were payment always made promptly by Sheriffs, the Commissioners of the Sinking Fund would be relieved of the necessity which, on former occasions, they have frequently been under, of anticipating their receipts in order to meet the January instalment of interest on the State debt.

But it not unfrequently happens that payment is not made into the Treasury by Sheriffs until even after the first of January. I suggest it, therefore, as advisable to reduce the commission of Sheriffs to *five* per centum, and authorize the Second Auditor and Treasurer to allow a premium of two and a half per cent. to all Sheriffs who shall make full payment against the fifteenth day of December annually. Something like this would, I am satisfied, stimulate the Sheriffs to greater punctuality in payment, and place the Sinking Fund in more easy circumstances.

In looking over the report of the Second Auditor, his statement in reference to the expenditure for the support of idiots will claim your attention. It appears that from 1829 to 1845, inclusive, there has been paid out of the Treasury the sum of \$239,871 43, for the support of idiots—numbering four hundred and fifteen in 1844, and four hundred and fifty in 1845. Whilst some of the counties have no idiots, others run up as high as twenty-three; and of the whole number of idiots, more than one-third reside in twelve counties of the ninety-nine in the State. The report does not give the number of idiots in 1829, but it gives the amount of money paid out of the Treasury for the support of idiots in that year, and in each succeeding year up to, and including, 1845. And there seems to have been a gradual increase each year, up to 1840, at which time the amount paid out of the Treasury was double the amount paid out in 1829. The next year the amount sunk nigh four thousand dollars below what was paid in 1840, but since then, there has been an increase in each successive year, until the amount has run up to \$17,500 62, a little above the sum paid out in 1840.

From these facts the conclusion is inevitable, that abuses have sprung out of the administration of the present law, and that part of those, reported idiots from some of the counties and supported out of the Treasury, are not, in truth, such. Having come from every part of the State, your better knowledge as to whatever concerns your respective counties, will likely enable you to reflect more light upon this subject, and, upon full examination, to adopt such measures as may guard the public interest against abuses in future.

Other subjects have equal claim to your consideration. In the lucid report of the Second Auditor you have exhibited a statement of the various expenditures of the government; each and all of which deserve your strict scrutiny. And if any of the purposes of expenditure be inexpedient, unwise or useless, or if they be wasteful or extravagant, the evils should be corrected and their recurrence prevented. The people will cheerfully, at all times, supply the means which may be necessary to a just and economical administration of the government, made for their benefit; but they would unwillingly have their money wasted on useless objects or squandered in extravagant expenditures. The government can only be administered by

agents with duties to perform and whose labor ought to be liberally rewarded. But neglected labor ought not to be rewarded, nor should there be any useless agents or any whose services may be dispensed with without prejudice to the public weal. The people want no drones in office, nor such as wilfully fail or neglect to discharge the duties entrusted to them, and are prompt in nothing but drawing their salaries.

The President of the Bank of the Commonwealth is desirous to relinquish that office, the duties of which have long been discharged by him with great fidelity and ability. The business of the Bank has been for years past in progress of liquidation, and, in the opinion of its President, may be brought to a close through the instrumentality of some one of the public officers. No one of these officers is better qualified, and none to whom the closing up of the business could be more safely entrusted, than the present First Auditor. And I would suggest for your consideration, the propriety of having the papers, books and accounts transferred to that office, and the business of the Bank hereafter transacted and the accounts kept in that office. The proceeds of the Bank now constitute part of the Sinking Fund, and there seems to be a peculiar fitness in having the business transacted and the accounts of the Bank kept in the First Auditor's office, where all the accounts of the Sinking Fund are required by law to be kept. The interest of the public would not be injured, I apprehend, by the change, and the business would be transacted by the Auditor at a diminished expense to the State. It may be expedient to confer authority on the Commissioners of the Sinking Fund, or upon the Auditor, with the advice and consent of the Commissioners, to settle by compromise, or otherwise, any claims which the Bank has, at present, against any persons or corporations.

The President of the Board of Internal Improvement has likewise indicated his determination to resign his office during the present session. In times past, the duties of that office were complicated and highly important; and it was fortunate for the State that they were entrusted to one so eminently qualified for their discharge, by his long experience, extensive information, undoubted fidelity and integrity, as that venerable officer:—and I am exceedingly gratified that he has been prevailed upon to hold the office until most of the claims against the State for work done on the public roads, and for injuries caused by the improvements of the river navigation, have been so far adjusted as not longer to require his valuable services. The duties of the Board of Internal Improvement have greatly diminished, and may hereafter be discharged with equal safety to the public interest, without a continuance of the Board with all its officers, agents, and their salaries and contingent expenses. The superintendence of the public improvements, which now devolves upon the Board, might be entrusted to a Superintendent, to be appointed for that purpose and subject to the control of an

advisory council, and liable, at all times, to be displaced when the public interest should require it. The regulation of the tolls on the river navigation might be entrusted to competent and discreet persons, selected in such manner as may be thought fit by the Legislature. And the books, papers, and accounts of the Board might be transferred to the office of the First Auditor of Public Accounts, who might be required to perform the present duties of the Secretary of the Board, and in future to keep all the accounts. Should the entire Board and its offices be abolished, as suggested, and some such provisions as the foregoing be adopted, I feel sure that the present duties growing out of our public improvements might be faithfully discharged with a saving of near \$1500 a year to the Treasury, or more than one half the expense of the Board as at present constituted. Besides, under such a regulation, any further improvements in which the State might engage, could be carried on with equal convenience and safety.

It is, however, to be regretted that the finances of the State are not in a condition, at present, to admit of further improvements on the roads and rivers, without increasing the public debt, or producing additional taxation. The beneficial effects of the improvements already made must be evident to all, from the rapid and growing increase of the tolls received from the roads and river navigation. The stimulus given to commerce by the increased facility of transportation afforded by those improvements, has brought a nearer and better market to the people, roused their energies and encouraged their industry to greatly multiplied productions. These beneficial results would be further extended and more widely disseminated through the community by an extension of the improvements. Every additional Lock which may be constructed on the rivers would not only bring the benefits of the present navigation within the reach of an increased number of the people of the State, but would add to the profits of the State from the Locks and Dams already constructed. And if extended to the mountains, the improvements would lead to a rapid development of the resources of the State, and bring into profitable use the vast elements of wealth which, at present, lie dormant and scattered through those mountains and the surrounding country.

But reflections like these should not cause us to forget other objects equally entitled to consideration and regard. The past year is the first one, since the State embarked in internal improvements, in which the State has had the good fortune not only to prevent an accumulation of the public debt, but actually to reduce that debt several thousand dollars. The people of the State will hail this gratifying fact, and congratulate themselves that they have at last reached a turning point in their affairs, and that henceforward they may look for a continual decrease, and finally a total discharge from their public debt. But this desirable state of things cannot be brought about

if the State engage in new works of improvement, unless, at the same time, the necessary means are provided, without encroaching upon the present financial resources of the State.

In execution of an act of the last Legislature, I commissioned, in May last, Joseph R. Underwood and Sanford Duncan, Esqs., to meet Commissioners appointed on the part of the State of Tennessee, and, in conjunction with them, to run and re-mark parts of the boundary line between this State and Tennessee. Mr. Underwood, having been prevented by sickness from executing the trust, resigned his commission, and I appointed Constant A. Wilson, Esq., to supply his place. Messrs. Duncan and Wilson met the Commissioners appointed on the part of the State of Tennessee, and in conjunction with them, run and re-marked the line. A report, made and signed by all of the Commissioners, has been forwarded to me and is transmitted herewith for the inspection of the Legislature. A statement of the services and expenses accompany the report, and it will be necessary for the Legislature to make a suitable appropriation for the payment of the Kentucky Commissioners. The act of the last Legislature, under which the work has been performed, is silent on the subject of compensation.

In conformity to an act of the 10th February, 1845, the Commissioners of the Sinking Fund employed the Keepers of the Penitentiary to erect other buildings in that institution. The greater part of the work has been done, but a portion of it will not be completed before next season. So far as done, the work, I think, is well executed, and I entertain no fears as to the execution of that which remains to be done.

The Keepers have labored under many embarrassing difficulties since the institution came under their management, springing out of the burning of the interior buildings, and other causes. They sustained loss by the institution the first year, and I apprehend but little, if anything, will be realized by them the present year. But I have no reason to believe that better could have been done under all the circumstances. The institution seems to be well conducted, and I have full confidence in the ability and fidelity of the Keepers. The convicts are well fed, well clothed, and provided with comforts suitable to their condition. They are kept diligently employed, and display no rebellious or intractable disposition. None have escaped during the past year. The number of convicts in the Penitentiary December 1, 1845, was one hundred and seventy-six—exceeding the number in the institution December 1, 1844, by twenty-five.

This increase in the number confirms me in the opinion expressed in my last message, that, at no distant time, it will become necessary to enlarge the outward walls of the Penitentiary—and I again suggest the propriety of providing for the purchase of additional ground for that purpose.

Other buildings, besides those now in progress of construction, will be

needed to carry on, in a proper manner, the business of the institution; and their appropriate location greatly depends upon the determination of the Legislature in regard to enlarging the area of the prison yard.

Suit has been brought against the late Keeper of the Penitentiary and his securities, by the Attorney General, in accordance with the act of last Legislature; and, under an order of the Chancellor, the property which formed one of the subjects of contest, has been sold by a Commissioner appointed for that purpose. The sale was made on a credit of twelve months and amounts to about \$5,000, to be disposed of by the Court when the matters in contest are decided. The contest about this property prevented the present Keepers from the use of that amount of capital, which, by law, they were entitled to have furnished to them by the State; and it has put them to the necessity of supplying, with their own means, the necessary capital for carrying on the business of the institution. In their annual settlement with the Keepers, the Commissioners of the Sinking Fund did not consider themselves at liberty, nor were they urged by the Keepers, to take into consideration any claim which the Keepers may have against the State for indemnity, on account of their failure to get from the State the anticipated capital. That was deemed by the Commissioners, as well as the Keepers, to be a subject more properly addressing itself to the Legislature, to whose consideration I now commend it. You will have more detailed and full information as to the business and condition of the Penitentiary laid before you in the report of the Keepers.

I had hoped to be able to announce to you the favorable termination of the suit which was brought in the Court of Common Pleas, sitting as a Court of Equity, in the county of Philadelphia, State of Pennsylvania, by the Bank of Kentucky against the Schuylkill Bank, to be indemnified for the fraud of the latter in issuing stock of the former. The case was brought to to a trial in November last, and, I am informed by the President of the Bank of Kentucky, was submitted to the Court, after occupying about three weeks in the arguments, in which, as well as in the preparation of the cause, I am assured, the attorneys for the Bank of Kentucky, Messrs. Binney, Sergeant, Hubbell and Gerhard, discharged their duty with pre-eminence, ability, fidelity and zeal. A decree favorable to the Bank of Kentucky is confidently anticipated, in the course of the present winter, by the President of that Bank. He thinks, however, that, owing to the insolvency of the defendants, there will not be realized by the Bank, under any decree which may be rendered, more than about \$500,000, although the parties engaged in the fraud obtained for the sale of the spurious stock over one million dollars. About one-third of this amount, I am informed, was used by the Cashier of the Schuylkill Bank for his individual purposes, and the other two-thirds by the Schuylkill Bank.

Thus you perceive that, if successful in obtaining a decree to the full extent of the loss occasioned by the fraud, the stockholders of the Bank of Kentucky must suffer a heavy loss. But it is gratifying to learn that, if successful to the extent anticipated only, the Bank will be in a condition to operate in future as usefully to the public and as profitably to the stockholders as if the fraud had never been perpetrated. The Bank has purchased since its last report, \$196,000 of the stock of the Bank, at from \$70 to \$75 per share, thereby reducing the over issue by the Schuylkill Bank to \$473,300.

The authority of the Bank of Kentucky, the Northern Bank of Kentucky and the Bank of Louisville, to issue notes of less denomination than five dollars, is made, by an act of the 8th of March, 1843, to terminate on this day. In ordinary transactions those small notes answer useful purposes and are very convenient to the community, and I would suggest for your consideration whether the public interest would not be promoted by a further extension of the authority of the Banks to issue them.

Within the past year there has been an expansion of the paper circulation of the Banks, considerably above what it was at the meeting of the last Legislature. But I am assured that its continuance will be temporary only. It sprung out of accommodations of the Banks upon real transactions, which were made with a view to facilitate the purchase of the agricultural products of the country, and will be brought back to something like its former amount, upon the return of the proceeds of sales, which have already been, or will shortly be made of the same products in other States. The expansion is not, however, beyond the ability of the Banks to meet, nor such as to affect their credit. According to their reports, which will be laid before you, the Banks were never in a better condition nor more entitled to the confidence of the community.

By an act of the 29th February, 1836, the superintendence and control of the affairs of the Old Bank of Kentucky and the disposition of its assets, were entrusted mainly to a Commissioner or agent appointed for the purpose. The Commissioner is entitled to compensation for his services, and authorized to rent an office and provide the necessary books, stationery and fuel, and charge the corporation with the amount thereof. The corporate character of the Bank and the authority of the Commissioner have been extended from time to time, and, unless further extended, will terminate the 10th of March next. The State is a large stockholder in that Bank, and, of course, has an interest in its assets and the final adjustment of its business. Understanding that it will require further time to wind up the concerns of the Bank, I commend the consideration of that subject to the Legislature. And in connection therewith, it may not be unworthy of consideration whether some more efficient and less expensive plan cannot be adopted to bring the business of the Bank to a final close. This, it seems to me, might be done

by transferring the books, papers and accounts of the Bank to the office of the First Auditor, and making it his duty to settle with the present Commissioner and do whatever else the Commissioner has authority to do. The Auditor, in the management of the business, might be subjected to the control of the Commissioners of the Sinking Fund. I name the First Auditor for this business, because all the accounts of the Sinking Fund are kept in his office and because the interest which the State has in that Bank has been appropriated to the Sinking Fund. If measures something like these be adopted, I feel sure that the business of the Bank may be brought to a close and the State realize whatever she may be entitled to from that source, at no distant day.

The task of procuring, noting in books kept for that purpose, and cancelling all the coupons, or interest warrants, which have been paid by the State on her bonds prior to January, 1845, imposed upon the Commissioners of the Sinking Fund by an act of the last Legislature, is one of great labor, and has not been finished. Such of the interest warrants as they have been able to procure have been assorted and noted in books, as required by the act, and the balance, when obtained, will be noted in like manner. The report of the Commissioners appointed to audit and settle the accounts of the Commissioners of the Sinking Fund, contains a statement of what coupons have and what have not been received by the Commissioners.

Whilst the character of the people of our State stands justly prominent for their devotion to the supremacy of the law and its due administration by the legally constituted authorities, it is to be regretted that in the course of the past year, we have had some outbreak. There was such evidence of insubordination and opposition to the execution of the law, in one portion of the State, as rendered it prudent and necessary to call into the service of the State a small military force, consisting of two companies. They were commanded by Col. Miller, acting under the immediate orders of Adjutant General Dudley, who was in personal attendance, in order to prevent violation and impose a due obedience to, and faithful execution of, the law. Both officers and men, I am happy to state, so discreetly executed this delicate trust as perfectly to quiet the high excitement that existed and safely to preserve the public peace from the blot of civil broils and bloodshed. I have been unable to find any satisfactory authority to pay the troops thus called into the service of the State, nor for the provisions necessarily provided for their subsistence whilst in service: and I would therefore invite the early attention of the Legislature to the subject, that provision may be made for the immediate payment of the small allowance to which they are entitled for the patriotic and important services they performed.

The report of the Superintendent of Public Instruction will present to you full information as to the operation of the act of the last Legislature

upon the subject of Common Schools, and as to the present condition and future prospects of the Common School system.

I have transmitted, herewith, resolutions and proceedings of the Legislatures of the States of Illinois, Delaware, Alabama, New Hampshire, and Massachusetts, forwarded to me by the Executives of those States, under the instructions of their Legislatures, for the purpose of having them laid before you.

I indulge the hope that, whatever subjects may engage your attention, the present session will be distinguished for the harmony with which its deliberations may be conducted, the patriotic and lofty views of its members, and the many beneficial results that may be derived from their labors by the community.

JANUARY 1, 1846.

WILLIAM OWSLEY.

[For Documents accompanying Governor's Message—see Legislative Documents.]

Ordered, That the Public Printer forthwith print 2,000 copies of said message for the use of the members of this House.

The Speaker laid before the House the annual report of the First Auditor of Public Accounts, which is as follows, viz:

STATE OF KENTUCKY, AUDITOR'S OFFICE, }
January 1, 1846. }

SIR: I herewith enclose to you the annual report from this Department.
I am Sir, respectfully yours,

H. I. BODLEY, Auditor.

HON. JOSEPH R. UNDERWOOD,
Speaker of the House of Representatives.

[For Report—see Legislative Documents.]

Ordered, That the Public Printer forthwith print 150 copies of said report for the use of the members of the General Assembly.

The Speaker laid before the House the annual report of the Second Auditor of Public Accounts, which is as follows, viz:

STATE OF KENTUCKY, REVENUE DEPARTMENT, }
Frankfort, January 1, 1846. }

SIR: I herewith enclose you the annual report from this Department.
I am Sir, very respectfully,

THO. S. PAGE, Second Auditor.

HON. JOSEPH R. UNDERWOOD,
Speaker of the House of Representatives.

[For Report—see Legislative Documents.]

Ordered, That the Public Printer forthwith print 150 copies of said report for the use of the members of the General Assembly.

The Speaker laid before the House the annual report of the Treasurer, which is as follows, viz:

STATE OF KENTUCKY, TREASURER'S OFFICE, }
January, 1, 1846. }

SIR: You will please lay before the House over which you preside, my annual report, which accompanies this note.

Yours with great respect,

JAMES DAVIDSON, *Treasurer.*

HON. JOSEPH R. UNDERWOOD,

Speaker of the House of Representatives.

[*For Report—see Legislative Documents.*]

Ordered, That the Public Printer forthwith print 150 copies of said report for the use of the members of the General Assembly.

The Speaker laid before the House the report of the Visitors to the Penitentiary, which is as follows, viz:

[*For Report—see Legislative Documents.*]

Ordered, That the Public Printer forthwith print 150 copies of said report for the use of the members of the General Assembly.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Waller—1. A bill to remove the Seat of Justice of the county of Mason, from the town of Washington to the city of Maysville.

On the motion of Mr. J. Speed Smith—2. A bill to amend the law authorizing the emancipation of slaves in this Commonwealth.

On the motion of Mr. Mayes—3. A bill extending the Constable's district around Mayfield.

On the motion of Mr. Kelly—4. A bill the change the name of Samuel Allison to Samuel Allison Jones.

On the motion of Mr. Wortham—5. A bill to reduce the salaries of the Circuit Judges, and for other purposes.

On the motion of Mr. Mayes—6. A bill for the benefit of the Common Schools in Graves county, and for other purposes.

On the motion of same—7. A bill to incorporate the town of Mayfield.

On the motion of Mr. Hughes—8. A bill to establish the 20th Judicial District.

On the motion of Mr. Stevenson—9. A bill to incorporate an association in the town of Covington, styled "the Sons of Temperance."

On the motion of Mr. Balee—10. A bill to change the militia laws.

On the motion of Mr. Root—11. A bill to amend the Common School law.

On the motion of Mr. Haggard—12. A bill further to protect the wool growing interest in this State.

On the motion of Mr. E. Smith—13. A bill to repeal the act establishing the Circuit Court system and establishing District Courts.

On the motion of Mr. Hunton—14. A bill to repeal the act establishing the First Auditor's Office.

On the motion of Mr. McKellup—15. A bill providing for the compensation of jurors in trials before Justices of the Peace.

On the motion of Mr. Balee—16. A bill for the benefit of James Price and wife.

On the motion of Mr. Hughes—17. A bill exempting Presidents, Professors, Teachers, and Students of Colleges and Schools from militia duty and working on roads.

On the motion of Mr. Glover—18. A bill to amend an act incorporating the Louisville and Portland Railroad Company, approved March 2, 1844.

Ordered, That Messrs. Waller, Cox, Finnell, Seaton, and Stevenson prepare and bring in the 1st; Messrs. J. Speed Smith, Hardy, Waller and Stevenson the 2d; Messrs. Mayes, Dallam, and Dudley the 3d; Messrs. Kelly, Glenn, and Brown the 4th; Messrs. Wortham, J. Smith, Ford, Hay, Howell, and Haggard the 5th; Messrs. Mayes, Dallam, and Dudley the 6th and 7th; Messrs. Hughes, Dallam, Kelly, and Headley the 8th; Messrs. Stevenson, Root, and Abbett the 9th; Messrs. Balee, Pope, McKellup, Mason, and Hughes the 10th; Messrs. Root, Stevenson, and Desha the 11th; Messrs. Haggard, Wheat, Hardy, and J. Speed Smith the 12th; Messrs. E. Smith, Brawner, Elliott, and Purdom the 13th; Messrs. Hunton, Peters, and Hardy the 14th; Messrs. McKellup, Cox, and Breeden the 15th; Messrs. Balee, Haggard, Mason, and Reid the 16th; Messrs. Hughes, Balee, Mason, Barkley, and Alexander the 17th, and Messrs. Glover, Pope, and Breeden the 18th.

Mr. E. Smith asked leave to bring in a bill to take the sense of the people of this Commonwealth as to the expediency of calling a convention.

And the question being taken on granting the leave, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Harlan and Barlow, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Abbett,	Dudley,	Moore,
Alexander,	Elliott,	Murray,
Anthony,	Fallis,	Myers,
Balee,	Finnell,	Orr,
Barlow,	Gardner,	Peters,
Barnett,	Glenn,	Pope,
Begley,	Glover,	Purdom,
Botts,	Haggard,	Railey,
Bowling, G.	Hardy,	Root,
Brawner,	Hatfield,	Short,
Breeden,	Headley,	Smith, E.
Brown,	Howell,	Smith, J. Speed,

Brooks,	Hughes,	Sparks,
Cessna,	Hunton,	Speed,
Clack,	Johnston, A.	Stevenson,
Clarke,	Lapsley,	Stone, B.
Cleaveland,	Layne,	Stone, S.
Combs, J.	Mayes,	Wallace.
Conner,	Maxey,	Wheat,
Cox,	McKellup,	Whitlock,
Desha,	Mills,	Whitsett—63.

Those who voted in the negative, were—

Mr. Speaker,	Hay,	Riley,
Messrs. Barkley,	Jackson,	Rodman,
Bowling, R. C.	Jones,	Seaton,
Combs, L.	Kelly,	Shawhan,
Dallam,	Mason,	Smith, J.
Darnaby,	Mayhall,	Thomas, A. W.
Duncan,	McC Campbell,	Thurston,
Ford,	Miller,	Walker,
Gano,	Priest,	Waller,
Gore,	Reid,	Wortham—31.
Harlan,		

Ordered, That Messrs. E. Smith, Sparks, and Elliott prepare and bring in the same.

On the motion of Mr. Cox,

Resolved, That Joseph Gray, Sergeant-at-Arms, be permitted to avail himself of the services of his son, James Gray, to assist him in the discharge of his official duties.

And then the House adjourned.

FRIDAY, JANUARY 2, 1846.

1. Mr. Root presented the petition of sundry citizens of the town of Newport, praying an extension of the limits of said town.

2. Mr. Shawhan presented the petition of sundry Justices of the Peace of Harrison county, praying an extension of a Constable's district in said county.

3. Mr. Peters presented the petition of Joseph Botts, praying a change of venue in the prosecution pending against him in the Bracken Circuit Court, for aiding in the escape of a slave.

4. Mr. Kelly presented the petition of Benjamin Leavell, praying permission to bring into this State a slave.

5. Mr. Glenn presented the petition of J. Smith, guardian of Gideon S. and Susan Mary Mimms, praying the passage of a law authorizing him to vest the funds of his wards in the purchase of certain slaves.

6. Mr. Brown presented the petition of the heirs of Jesse Mooreman, deceased, praying a sale of the estate for the purpose of a division.

7. Mr. Glenn presented the petition of Mary A. M. Hall and others, praying permission to introduce into this State a slave.

Which were received, the reading dispensed with, and referred—the 1st to Messrs. Root, Shawhan, and Stevenson; the 2d to Messrs. Shawhan, Desha, and Cleaveland; the 3d to Messrs. Peters, Stevenson, and Shawhan; the 4th to Messrs. Kelly, Glenn, and Evans; the 5th to Messrs. Glenn, R. C. Bowling, and Thurston; the 6th to Messrs. Brown, Botts, Alexander, and Hughes; and the 7th to Messrs. Glenn, R. C. Bowling, and Kelly.

The Speaker appointed Messrs. Finnell, Cox, Stevenson, Abbett, and Kelly the committee on the memorial of James N. Stephens, contesting the seat of George W. Brasher, the member returned to serve in this House from the county of Boone.

On motion of Mr. Hughes,

Ordered, That the Public Printer forthwith print 2,000 additional copies of the message of the Governor, for the use of the members of this House.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Pope—1. A bill for the benefit of E. Stone and others.

On the motion of Mr. Breeden—2. A bill to extend the provisions of the mechanics' lien law of the cities of Louisville, Lexington, and Maysville, to the mechanics of the whole State.

On the motion of Mr. R. C. Bowling—3. A bill to amend the law exempting certain species of property from execution.

On the motion of Mr. Jones—4. A bill to amend in part, an act entitled, an act to run and mark the dividing lines between the counties of Campbell and Pendleton, and between the counties of Jefferson and Bullitt, and between the counties of Jefferson and Shelby, approved, February 16, 1845.

On the motion of Mr. Orr—5. A bill for the benefit of R. L. Edwards, Justice of the Peace for Owen county.

On the motion of Mr. Clark—6. A bill for the benefit of Jonathan C. Langston, Sheriff of Caldwell county.

On the motion of Mr. Haggard--7. A bill for the benefit of the town of Albany, Clinton county.

On the motion of same--8. A bill for the benefit of the Clerk of the Clinton Circuit Court.

On the motion of Mr. Root--9. A bill to incorporate a company to construct a Railroad from Newport to Falmouth, Cynthiana, and Paris, to Lexington.

On the motion of Mr. Headley--10. A bill to divide the 24th Regiment of Kentucky militia.

On the motion of Mr. E. Smith--11. A bill to amend the act of 1833, prohibiting the importation of slaves into this Commonwealth.

On the motion of Mr. Brawner--12. A bill for the benefit of the Sheriff of Whitley county.

On the motion of Mr. Dudley--13. A bill to allow an additional Justice of the Peace and Constable to Fulton county.

On the motion of Mr. Barlow--14. A bill for the benefit of James Flip-pin and William G. Howard, late Sheriffs of Monroe county.

On the motion of Mr. Reid--15. A bill for the benefit of Robert W. Logan, Richard A. Logan, and the heirs of Nicholas Smith, deceased.

On the motion of Mr. R. C. Bowling--16. A bill to construct a State road from Adairsville, in Logan county, to Bowlinggreen.

On the motion of Mr. Mayes--17. A bill to repeal an act, entitled, an act to regulate the administration and settlement of estates, approved February 20th, 1839.

On the motion of Mr. Speed--18. A bill for the benefit of Thomas E. Jones, late Sheriff of Casey county.

On the motion of Mr. Whitsett--19. A bill for the benefit of Moses Mc-Millan, of Barren county.

On the motion of Mr. Hunton--20. A bill for the appropriation of fines to the improvement of public roads.

On the motion of Mr. Stevenson--21. A bill incorporating a company for the construction of a bridge over the Ohio river, between Covington and Cincinnati.

On the motion of Mr. Mayhall--22. A bill for the benefit of jurors in trying the right of property.

On the motion of Mr. Haggard--23. A bill for the benefit of F. O. Beazly, of Burksville.

On the motion of Mr. Mason--24. A bill to change the support of Idiots from the Treasury of the State to the counties in which they reside.

On the motion of Mr. Myers--25. A bill for the benefit of Mary F. Masterson, of Grant county.

On the motion of same—26. A bill for the benefit of Thomas W. Gibson and others.

On the motion of Mr. Balee—27. A bill for the benefit of Simpsonville, in Shelby county.

On the motion of Mr. Finnell—28. A bill to incorporate the Lower Blue Lick Hotel and Water Company.

On the motion of Mr. Wortham—29. A bill ordering the payment of the amount due the Commissioners on the road from Bowlinggreen to the mouth of Salt river.

On the motion of Mr. Mayhall—30. A bill to amend the execution law of 1828.

On the motion of Mr. J. Speed Smith—31. A bill farther to reduce the price of unappropriated land in Madison county.

On the motion of Mr. Begley—32. A bill for the benefit of the Sheriff of Perry county.

On the motion of Mr. Stevenson—33. A bill for the benefit of the members of Washington Lodge, No. 2, of the Independent Order of Odd Fellows.

On the motion of Mr. Brown—34. A bill for the benefit of W. T. Samuels.

On the motion of Mr. A. Johnson—35. A bill for the benefit of William B. Howard, of Marshall county.

On the motion of Mr. Desha—36. A bill to provide Nathan Marsh, a Justice of the Peace of Harrison county, with a copy of Morehead & Brown's Digest.

On the motion of Mr. S. Stone—37. A bill for the benefit of the County Court of Russell county.

Ordered, That Messrs. Pope, Glover, and Jones prepare and bring in the 1st; Messrs. Breeden, R. C. Bowling, and Glover the 2d; Messrs. R. C. Bowling, Glenn, and Anthony the 3d; Messrs. Jones, J. Combs, and Miller the 4th; Messrs. Orr, Hardy, Cleaveland, and Abbett the 5th; Messrs. Clark, Hardy, and L. Combs the 6th; Messrs. Haggard, Wortham, L. Combs, and Wheat the 7th; Messrs. Haggard, S. Stone, and Wheat the 8th; Messrs. Root, L. Combs, Thurston, Cleaveland, Duncan, and Finnell the 9th; Messrs. Headley, Dallam, Hughes, and Clark the 10th; Messrs. E. Smith, Elliot, J. Speed Smith, and Brawner the 11th; Messrs. Brawner, Sparks, and E. Smith the 12th; Messrs. Dudley, Mayes, and Dallam the 13th; Messrs. Barlow, Gardner, and Maxey the 14th; Messrs. Reid, Glover, and Balee the 15th; Messrs. R. C. Bowling, Evans, and Gardner the 16th; Messrs. Mayes, Dallam, and Dudley the 17th; Messrs. Speed, Haggard, and Elliott the 18th; Messrs. Whitsett, Barlow, and Wheat the 19th; Messrs. Hunton, Finnell, and B. Stone the 20th; Messrs. Stevenson, Finnell, L. Combs, and J. Speed

Smith the 21st; Messrs. Mayhall, Riley, J. Smith, and Harlan the 22d; Messrs. Haggard, Barlow, Desha, and Speed the 23d; Messrs. Mason, Pope, Waller, L. Combs, and Wallace the 24th; Messrs. Myers, Stevenson, and Jackson the 25th and 26th; Messrs. Balee, Cox, Finnell, Hughes, and Mason the 27th; Messrs. Finnell, Cox, and Waller the 28th; Messrs. Wortham, Howell, Alexander, and J. Smith the 29th; Messrs. Mayhall, Riley, Harlan, and J. Smith the 30th; Messrs. J. Speed Smith, Wallace, and Desha the 31st; Messrs. Begley, G. Bowling, and J. Speed Smith the 32d; Messrs. Stevenson, Mason, and Abbett the 33d; Messrs. Brown, J. Combs, Howell, and Alexander the 34th; Messrs. A. Johnson, Mayes, and Dallam the 35th; Messrs. Desha, Brooks, and Cleaveland the 36th; and Messrs. S. Stone, Wheat, and Hardy the 37th.

The following bills were reported by the committees appointed to prepare and bring in the same, viz:

By Mr. Pope—A bill for the benefit of E. Stout, and others.

By Mr. Mayes—A bill to extend the Constable's district including the town of Mayfield.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The Speaker laid before the House the annual report of the Board of Commissioners on the Sinking Fund, which is as follows, viz:

FRANKFORT, January 2, 1846.

SIR:

I request you to lay before the House over which you preside, the annual report of the Board of Commissioners of the Sinking Fund.

Very respectfully,

A. S. MITCHELL, *Secretary of Board.*

HON. JOSEPH R. UNDERWOOD,

Speaker of the House of Representatives.

[*For Report—see Legislative Documents.*]

Ordered, That the Public Printer forthwith print 150 copies of said report for the use of the members of the General Assembly.

The Speaker laid before the House the response of the President of the Board of Internal Improvement, to the resolution of Mr. J. Speed Smith, proposed on yesterday, which is as follows:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT, }
January 2, 1846. }

The President of the Board of Internal Improvement has the honor, in obedience to the resolution of the House of Representatives, of the 1st inst. calling upon him to report the "number of additional Locks and Dams neces-

sary to extend slack water navigation to the Three Forks of the Kentucky river: also, an estimate of the probable cost of each Lock and Dam, designating the locality of each as nearly as practicable, from the facts in his possession," to submit the following report:

The accompanying table will exhibit, in one view, the number and locality of each Lock and Dam, the aggregate cost of each, and of the 12 Locks and Dams, the cost of Lock houses, of hydraulic lime, clearing the river banks, contingencies, and superintendence, as estimated by Sylvester Welch, Esq., late Chief Engineer, in the year 1836-7.

The aggregate cost of the 12 Locks and Dams as per estimate aforesaid, being,	\$1,358,909 00
Deduct one third of the above estimate on account of the difference in price of labor, materials, and experimental advantages, and we have this sum,	\$905,939 33½
The Lock houses can be built for one third of the estimated cost, as per table—such is the experience of the Board—having built several Lock houses recently, say	4,000 00
The estimated cost of hydraulic lime may be reduced from \$72,000 to about \$45,000, as the article can be produced in great abundance directly at, or very near to, the greater part of the Locks,	45,000 00
Reduce clearing river banks one half,	24,345 00
Reduce contingencies and superintendence from \$104,412, to about \$60,000,	60,000 00
Total cost,	<u>\$1,043,284 33½</u>

Upon consultation with Mr. Welch, since the adoption of the resolution of the honorable House of Representatives, I learn that the locality of the Locks and Dams may or may not be advantageously changed, as experience may dictate. The cost of the Locks may also be further reduced by constructing the walls differently from those already built. That is, by building them with rough instead of hewn or cut stone, and lining the insides with plank. But the frame work to which the plank is to be fastened, and the plank itself, will have to be renewed periodically, like the Lock Gates and other portions of the wooden work.

All which is submitted with profound respect.

THOMAS METCALFE, P. B. I. I.

TABLE.

No.	LOCALITY.	LOCK.		DAM.		Length of Pools in miles.	Distance from mouth of Ky. ri- ver in miles.	Total estimate and cost.
		Lift.	Guard.	Length.	Height.			
6	Clear Creek, - - -	13	10	350	28	22.4	95.2	\$ 119,340
7	Shaker's Ferry, - - -	13	"	400	27	15.0	117.6	118,510
8	Fugate's Ripple, - - -	14	"	400	25	16.0	132.6	112,050
9	Goggin's Ferry, - - -	13	"	350	21	16.0	148.6	102,525
10	Hinds' Creek Ripple, - - -	14	"	350	28	19.0	164.6	122,689
11	Muddy Creek Ripple, - - -	10	"	350	27	11.5	183.6	114,407
12	Cow Run Ripple, - - -	11	"	350	22	15.2	195.1	100,255
13	King's Mill Ripple, - - -	12	"	350	24	9.2	210.3	107,497
14	Doe Run Ripple, - - -	12	"	350	23	15.6	219.5	104,605
15	Ross' Creek Ripple, - - -	14	"	350	24	8.3	235.1	122,184
16	Salt Rock Ripple, - - -	11	"	350	33	5.3	243.4	127,365
17	Crooked Shoal, - - -	9	"	350	22	8.8	248.7	107,482
	Middle Fork, - - -						257.5	

Estimated cost of Locks and Dams, - - - - -	\$1,358,909
Twelve Lock houses at \$1,000, - - - - -	12,000
Hydraulic lime for 12 Locks, 180,000 bushels at 40 cents, - - - - -	72,000
Clearing river banks, 162.3 miles at \$300 per mile, - - - - -	48,690
Contingencies, superintendence, &c. 7 per cent. - - - - -	104,412

162.3 miles, average per mile, \$9,833 71, - - - - -	\$1,596,011
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Total cost of 257.5 miles, average cost per mile, \$8,922, - - - - -	\$2,297,416
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The Speaker laid before the House the annual report of the Keeper of Penitentiary, which is as follows, viz:

OFFICE KENTUCKY PENITENTIARY,)
Frankfort, January 2, 1846. }

SIR:

Please lay before the House over which you preside, the enclosed annual report.

Very respectfully,

CRAIG & HENRY, A. & K. K. P.

HON. JOSEPH R. UNDERWOOD,

Speaker of the House of Representatives.

[For Report—see Legislative Documents.]

Ordered, That the Public Printer forthwith print 150 copies of said report for the use of the members of the General Assembly.

And then the House adjourned.

SATURDAY, JANUARY 3, 1846.

Ordered, That a committee on Propositions and Grievances be appointed, and a committee was appointed, consisting of Messrs. S. Stone, Kelly, Barclay, Myers, Shawhan, Walker, and Hatfield; who are to meet and adjourn from day to day, and take into consideration all Propositions and Grievances, which may legally come before them, and all such matters as shall, from time to time, be referred to them, and report their proceedings to this House; and said committee shall have power to send for persons, papers, and records, for their information.

Ordered, That a committee on Privileges and Elections be appointed, and a committee was appointed, consisting of Messrs. B. Stone, Thurston, G. Bowling, Railey, Abbett, Orndorff, and Headly; who are to meet and adjourn from day to day, and take into consideration and examine all returns for members returned to serve in this House during the present session of the General Assembly, and all questions concerning Privileges and Elections, and report their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers, and records, for their information.

Ordered, That a committee on Claims be appointed, and a committee was appointed, consisting of Messrs. Hardy, Darnaby, Duncan, Barnett, Reid, J. Smith, and Head; who are to meet and adjourn from day to day, and take into consideration all public claims, and all other matters that may, from time to time, be referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers, and records, for their information.

Ordered, That a committee on the Judiciary be appointed, and a committee was appointed, consisting of Messrs. Harlan, Botts, Mason, Finnell, Pope, R. C. Bowling, and Dudley; who are to meet and adjourn from day to day, and take into consideration all matters relating to Courts of Justice, and such others as may, from time to time, be referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee are to inspect the Journal of the last session, and draw up a statement of the matters there pending and undetermined, and the progress made therein; also, to examine what laws have expired since the last session, and inspect such temporary laws as will expire with this, or are now expiring, and report the same to this House, with their opinion thereon, which of them ought to be renewed and continued; and said committee shall have power to send for persons, papers, and records, for their information.

Ordered, That a committee on Religion be appointed, and a committee was appointed, consisting of Messrs. Peters, Gardner, Brooks, Gano, Orndorff, Cessna, and Wortham; who are to meet and adjourn from day to day, and take into consideration all matters and things relating to religion and morality, and such others as may, from time to time, be referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers and records, for their information.

Ordered, That a committee of Ways and Means be appointed, and a committee was appointed, consisting of Messrs. L. Combs, Jones, Mayes, Seaton, Hunton, Murray, and Priest; who are to meet and adjourn from day to day, and take into consideration the revenue laws of this Commonwealth, and all other matters relative to, or connected with, the fiscal concerns thereof, and such others as may, from time to time, be referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers, and records, for their information.

Ordered, That a committee on Internal Improvement be appointed, and a committee was appointed, consisting of Messrs. Cox, Stevenson, McCampbell, Lapsley, Cleaveland, Whitsett, and Hay; who are to meet and adjourn from day to day, and take into consideration all matters and things relating to the improvement of the condition of the country by roads and canals, and such others as may legally come before them, or be referred to them, reporting their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers, and records, for their information.

Ordered, That a committee on Education be appointed, and a committee was appointed, consisting of Messrs. Root, Miller, Waller, Dallam, Balee, Hughes, and Moore; who are to meet and adjourn from day to day, and take into consideration all matters relating to Education, and the subjects connected therewith, and such others as may, from time to time, be referred to them, reporting their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers, and records, for their information.

Ordered, That a committee on Military Affairs be appointed, and a committee was appointed, consisting of Messrs. Desha, Alexander, Evans, McKellup, Sparks, Rodman, and Whitlock; who are to meet and adjourn from day to day, and take into consideration the militia laws of this State, and all matters in relation to the militia, and such others as may, from time to time, be referred to them, reporting their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers, and records, for their information.

Ordered, That a committee on the Expenditures of the Board of Internal Improvement be appointed, and a committee was appointed, consisting of Messrs. E. Smith, Wheat, Conner, Howell, Short, Alexander, and Abbett; who are to meet and adjourn from day to day, and take into consideration all matters in relation to the expenditure of money by the Board of Internal Improvement, and such others as may, from time to time, be referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers, and records, for their information.

Ordered, That a committee on the Penitentiary be appointed, and a committee was appointed, consisting of Messrs. Barlow, Orr, Riley, Anthony, W. Thomas, Maxey, and A. Johnson; who are to meet and adjourn from day to day, and take into consideration all matters relating to the Penitentiary, and such others as may, from time to time, be referred to them, and that they report their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers, and records, for their information.

Ordered, That a committee on Agriculture and Manufactures be appointed, and a committee was appointed, consisting of Messrs. Glover, Clarke, J. Combs, Layne, Brawner, Begley, and Seaton; who are to meet and adjourn from day to day, and take into consideration all matters and things in relation to Agriculture and Manufactures, and such others as may, from time to time, be referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers, and records, for their information.

Ordered, That a committee on the Sinking Fund be appointed, and a committee was appointed, consisting of Messrs. Waller, Hughes, Mills, Miller, Purdom, Fallis, and Brasher; who are to meet and adjourn from day to day, and take into consideration all matters in relation to the Sinking Fund, and such others as may, from time to time, be referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers, and records, for their information.

Ordered, That a committee on Banks be appointed, and a committee was appointed, consisting of Messrs. J. Speed Smith, Cox, Haggard, Stevenson, Elliott, and Finnell; who are to meet and adjourn from day to day, and take into consideration all matters in relation to Banks, and examine, within the first thirty days of the session, the condition of all the Banks in the State, the amount of loans in the aggregate, and the proportion to the country, cities, and towns, and the amount loaned to the Directors, and their liabilities on bills of exchange, and the several amounts the fifty highest debtors owe in the cities; and enquire into and report all facts necessary to a com-

plete understanding of their management, and such other matters in relation thereto, as may, from time to time, be referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers, and records, for their information.

Ordered, That a committee on the Library be appointed, and a committee was appointed, consisting of Messrs. Brown, Mayhall, Wortham, A. W. Thomas, and Ford; who are to meet and adjourn from day to day, and take into consideration all matters and things relating to the Public Library, and such others as may, from time to time, be referred to them, and report their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers, and records, for their information.

Ordered, That a committee on Public Offices be appointed, and a committee was appointed, consisting of Messrs. Gore, Wallace, Jackson, and D. B. Johnson; who are to meet and adjourn from day to day, and examine the Public Offices, and report their situation, and their proceedings, with their opinion thereon, to this House; and said committee shall have power to send for persons, papers, and records, for their information.

Ordered, That a committee on Printing be appointed, and a committee was appointed, consisting of Messrs. Glenn, Clarke, Jackson, and Clack; whose duty it shall be to enquire into the manner in which the Public Printing is done, the accounts for printing particularly, and such other matters as may, from time to time, be referred to them by either House, and report as soon as practicable, what saving and improvement can be made, conducive to the public interest; and they shall have power to send for persons, papers, and records, for their information.

Ordered, That a committee on Enrollments be appointed, and a committee was appointed, consisting of Messrs. Dallam, Riley, Thurston, Breeden, and Speed.

Ordered, That Mr. Dallam inform the Senate thereof.

1. Mr. Clarke presented the petition of sundry citizens of Caldwell county, praying the formation of a new county out of part of said county, by a division thereof.

2. Mr. Hardy presented the petition of Joseph W. Wood, praying the passage of a law allowing him to import into this State a certain slave.

3. Mr. Brown presented the petition of sundry citizens of the counties of Jefferson, Meade, Hardin, and Bullitt, praying the establishment of a new county out of parts of said counties.

4. Also, the memorial of sundry citizens of Hardin county, residing outside of the boundary of the proposed new county, assenting to the establishment thereof.

5. Mr. Sparks presented the petition of sundry citizens of Knox and Harlan counties, praying the establishment of a new county out of parts thereof.

6. Mr. Dudley presented the petition of John Moss, praying the passage of a law allowing him to import into this State certain slaves.

7. Mr. Barlow presented the petition of Daniel Hestand, praying the passage of a law appropriating a sum of money for the support of Lydia Savage.

8. Mr. Desha presented the petition of the officers of 20th Regiment Kentucky Militia, praying the passage of a law legalizing the proceedings of the Court of Assessment held in said Regiment, in the year 1845.

9. Mr. Layne presented the petition of sundry citizens of Morgan county, praying to be added to the county of Johnson.

10. Mr. Barclay presented the petition of John Tompkins, praying the passage of a law allowing him to import into this State certain slaves.

11. Mr. Harlan presented the petition of Henry Blanton, praying the passage of a law releasing the estate of Carter Blanton, deceased, from the payment of a decree obtained in the General Court against him, as executor of said Carter Blanton, who was administrator of Benedict Costa, deceased, who died without heirs.

12. Mr. E. Smith presented the petition of Margaretta Mitchell, praying the passage of a law refunding to her a sum of money contributed by her deceased husband towards the erection of the Capitol of this State.

13. Mr. Mayes presented the petition of Munford King, praying to be divorced from his wife, Susan King.

14. Also, the petition of Edward Farrar, praying to be divorced from his wife, Martha Farrar.

15. Also, the petition of Martha Farrar, praying to be divorced from her husband, Edward Farrar.

16. Also, the petition of Thomas M. Hollifield, praying to be divorced from his wife, Nancy J. Hollifield.

17. Mr. Clarke presented the petition of Francis Machen, guardian of the infant heirs of John Prince, deceased, praying the passage of a law confirming a sale made by him, of a slave belonging to his wards.

18. Mr. Haggard presented the petition of William Grissom, praying to be divorced from his wife, Mary Grissom.

19. Mr. Pope presented the petition of Elias D. Young and wife, praying the passage of a law authorizing a sale of certain real estate held in trust for the benefit of the wife and children of said Young.

20. Also, the petition of James T. Dorsey and wife, and others, devisees of William M. Taylor, deceased, praying the passage of a law authorizing a sale of certain real estate devised to them.

21. Also, the petition of William Waterberry, praying the passage of a law changing the name of Clementine Penley to that of Clementine Waterberry, and for other purposes.

22. Mr. Shawhan presented the petition of Alexander H. Wall, executor of Garrett Wall, deceased, praying the passage of a law confirming a sale of certain real estate made by him, as executor, aforesaid.

23. Mr. Gore presented the petition of A. D. Metcalfe, praying to be released from the penalties of the act of 1833, prohibiting the importation of slaves, for failing to make the necessary affidavit in time.

24. Mr. Dudley presented the petition of Mariel Winfrey, praying to be divorced from his wife, Betsey Jane Winfrey.

25. Mr. Hardy presented the petition of John U. Watson, praying the passage of a law authorizing a confirmation of a sale made by him, and his late wife, of a small interest in a tract of land sold by them in the lifetime of his said wife.

26. Also, the petition of Joseph M. Bohannon, praying the passage of a law authorizing a conveyance of certain lands sold by his deceased brother, George C. Bohannon, in his lifetime.

27. Mr. Glenn presented the petition of J. C. Bunch, praying the passage of a law making an appropriation to him for maintaining a runaway slave in jail.

28. The Speaker laid before the House the petition of John H. Grimes, praying that the name of Betsy Walton be changed to that of Elizabeth V. Grimes.

29. Also, the petition of Reuben Herndon, praying to be divorced from his wife, Mary Elizabeth Herndon.

30. Also, the petition of Edmund Payne, praying the passage of a law permitting him to import into this State certain slaves.

31. Also, the petition of John Watt, John Honaker, and William Floyd, praying that compensation be allowed them for pursuing and apprehending a fugitive from justice.

32. Also, the petition of Moses Guess, Philip F. Jones, Murray M. Jones, and John P. Siling, praying a change of venue in the prosecutions pending against them in the Edmonson Circuit Court, for murder.

33. Also, the petition of John S. Lucas, praying the passage of a law permitting him to import into this State certain slaves.

34. Mr. Cessna presented the petition of sundry citizens of Larue county, praying an extension of the terms of the Circuit Court of said county.

35. Mr. Dudley presented the petition of William P. Woodward, jailer of Hickman county, praying the passage of a law allowing him to reside at a greater distance from the jail than that now allowed by law.

36. Mr. Ford presented the petition of Nelson Bennett, praying to be divorced from his wife, Mary Bennett.

37. Also, the petition of Wilford Clarke, praying to be divorced from his wife, Matilda Clarke.

38. Mr. Hay presented the petition of sundry citizens of Muhlenburg county, praying the passage of a law allowing an additional Justice of the Peace to said county.

39. Mr. Ford presented the petition of Phœbe Ann Wright, praying to be divorced from her husband, David Wright.

40. Mr. Stevenson presented the petition of sundry citizens of Kenton county, praying the passage of a law chartering a company to construct a bridge across the Ohio river.

41. Mr. Orr presented the petition of Noah Johnson, praying that the name of James William Davis be changed to that of James William Johnson.

Which were received, the reading dispensed with, (except the 1st and 11th, which were read,) and referred—the 1st, 3d, 4th, 5th, and 9th to the committee on Propositions and Grievances; the 2d, 6th, 10th, 17th, 19th, 20th, 21st, 22d, 23d, 25th, 26th, 28th, 30th, 32d, 34th, 35th, and 38th to the committee on the Judiciary; the 7th, 12th, and 31st to the committee on Claims; the 8th to the committee on Military Affairs; the 11th to the committee on the Sinking Fund; the 13th, 14th, 15th, 16th, 18th, 24th, 29th, 36th, 37th, and 39th, to the committee on Religion; the 27th to the committee on Ways and Means; the 40th to Messrs. Stevenson, Finnell, L. Combs, and J. Speed Smith; and the 41st to Messrs. Orr, Root, and S. Stone.

A message was received from the Governor, by Mr. Kinkead, which is as follows, viz:

Gentlemen of the House of Representatives:

I herewith transmit the settlement made by the Commissioners appointed for that purpose, with the President of the Bank of the Commonwealth, and with the Commissioners of the Sinking Fund.

WM. OWSLEY.

[For Report—see *Legislative Documents*.]

Ordered, That the Public Printer forthwith print 150 copies of said message for the use of the members of the General Assembly.

A message was received from the Senate announcing the passage of bills from that House, of the following titles, viz:

An act to continue in force for one year, an act for the benefit of Isaiah Heston, late Sheriff of Breckinridge county.

An act continuing in force the law providing for the appointment of Commonwealth's Attorneys.

On motion of Mr. Harlan,

Ordered, That leave be granted to withdraw the papers in relation to the county seat of Owsley county, and the same were withdrawn.

On motion of Mr. E. Smith,

Ordered, That Messrs. Stevenson, Waller, and Finnell be added to the committee appointed to prepare and bring in the bill to repeal the law establishing Circuit Courts, and to establish District Courts.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. S. Stone—1. A bill for the benefit of the County Court of Russell.

By Mr. J. Speed Smith—2. A bill to reduce the price of unappropriated land in Madison county.

By Mr. Barlow—3. A bill for the benefit of James Flippin and W. G. Howard, late Sheriffs of Monroe county.

By Mr. Waller—4. A bill removing the Seat of Justice of Mason county from Washington, and fixing it at Maysville.

By Mr. Haggard—5. A bill for the benefit of the town of Albany.

By Mr. Speed—6. A bill for the benefit of the late Sheriff of Casey county, and for other purposes.

By Mr. Dudley—7. A bill to allow an additional Justice of the Peace and Constable to Fulton county.

By Mr. Jones—8. A bill appointing Commissioners to run and mark the county line between Jefferson and Bullitt counties.

By Mr. Stevenson—9. A bill incorporating the Sons of Temperance, under the title of "Covington Division, No. 1, Sons of Temperance," of the State of Kentucky, located in the city of Covington.

By Mr. Mayes—10. A bill to incorporate the town of Mayfield, and for other purposes.

By Mr. Haggard—11. A bill for the benefit of Felix O. Beazly.

By Mr. Glenn—12. A bill for the benefit of Mary Ann M. Hall, and others.

By Mr. Brown—13. A bill for the benefit of W. T. Samuels.

By Mr. Brawner—14. A bill for the benefit of the Sheriff of Whitley county.

By Mr. Haggard—15. A bill for the benefit of the Clerks of the Clinton and Russell Circuit Courts.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision, and second reading of said bills having been dispensed with, the 1st, 2d, 3d, 5th, 6th, 7th, 8th, 9th, 10th, 12th, and 13th were severally ordered to be engrossed and read a third

time; the 4th was referred to the committee on Propositions and Grievances, and the 11th, 14th, and 15th to the committee on Ways and Means.

The rule of the House, constitutional provision, and third reading of the 1st, 2d, 3d, 5th, 6th, 7th, 8th, 9th, 10th, 12th, and 13th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. E. Smith, from the committee appointed to prepare and bring in the same, reported a bill to take the sense of the people of this Commonwealth as to the expediency of calling a convention, which was read the first time.

And the question being taken on ordering said bill to be read a second time, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Botts and D. B. Johnson, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Anthony,	Finnell,	Mills,
Balee.	Gano,	Moore,
Barlow,	Gardner,	Orr,
Begley,	Glenn,	Pope,
Bowling, G.	Glover,	Purdom,
Brawner,	Haggard,	Railey,
Breeden,	Hardy,	Root,
Brown,	Hatfield,	Short,
Brooks,	Headley,	Smith, E.
Cessna,	Howell,	Smith, J. Speed
Clack,	Hughes,	Sparks,
Clarke,	Hunton,	Speed,
Combs, J.	Johnson, D. B.	Stevenson,
Conner,	Johnson, A.	Stone, B.
Cox,	Lapsley,	Stone, S.
Dallam,	Layne,	Waller,
Desha,	Mayes,	Wheat,
Dudley,	Maxey,	Whitlock,
Elliott,	McKellup,	Whitsett—58.
Fallis,		

Those who voted in the negative, were—

Mr. Speaker,	Gore,	Priest,
Messrs. Abbett,	Harlan,	Reid,
Alexander,	Hay,	Riley,
Barkley,	Jackson,	Rodman,
Barnett,	Jones,	Seaton,
Botts,	Kelly,	Shawhan,
Bowling, R. C.	Mason,	Smith, J.
Cleaveland,	Mayhall,	Thomas, A. W.
Combs, L.	McCampbell,	Thurston,

Darnaby,
Duncan,
Ford,

Miller,
Murray,
Myers,

Walker,
Wallace,
Wortham—36.

Mr. L. Combs moved the following resolution, viz:

Resolved, That the Governor's message be referred to the several standing committees of the House, with instructions for them to take action on such portions of it as may appertain to their respective duties.

Which was adopted.

On motion of Mr. Breeden,

Resolved, That R. H. Stanton be permitted to take a seat on this floor as reporter for the Maysville Eagle.

Mr. Harlan moved the following resolution, viz:

Resolved, That the Second Auditor communicate to this House a statement made up from the lists of taxable property of ten counties, selected from different portions of the State, showing the number of persons in each county who pay no tax; the number who pay 15 cents and under; the number who pay 30 cents and under; and the number who pay over 30 cents; also, the total number of persons listed for taxation, in each of said ten counties.

Which was adopted.

Mr. Harlan moved the following resolution, viz:

Resolved, That the committee on Ways and Means enquire into the expediency of reporting a bill to tax Bowie Knives, Pistols, and other deadly weapons.

Mr. Glenn moved to amend said resolution by adding the following, viz:

Resolved, That the committee on Ways and Means be required to examine into the propriety of repealing the law giving premiums on silk cocoons, and report to this House at its earliest convenience.

The question was then taken on the amendment proposed by Mr. Glenn, and decided in the affirmative.

The question was then taken on the adoption of the resolution, as amended, and decided in the affirmative.

Mr. Hatfield moved the following resolution, viz:

Resolved, That the members of this House wear crape on the left arm for thirty days, as a testimony of regard for the worth, and regret for the death of Alfred Williams, a member elect from the county of Simpson, to this House, who has lately departed this life.

Which was unanimously adopted.

And then the House adjourned.

MONDAY, JANUARY 5, 1846.

1. Mr. Brown presented the petition of sundry citizens of Hardin, Meade, Jefferson, and Bullitt counties, praying the establishment of a new county out of parts of said counties.

2. Also, the petition of Lois Smallwood, praying the passage of a law allowing her compensation for taking care of Eunice Smith, a lunatic.

3. Mr. Waller presented the petition of sundry citizens of Mason county, praying the removal of the Seat of Justice of said county from the town of Washington to the city of Maysville.

4. Mr. Harlan presented the petition of sundry citizens of Franklin county, praying an amendment in the militia laws.

5. Mr. Root presented the petition of Coonrod Havens, praying that compensation be allowed him for taking care of Lucy Bradford, a lunatic.

6. Also, the petition of John Ralls, and others in his behalf, praying that he be permitted to peddle goods, without paying for a license so to do.

7. Mr. Botts presented the petition of Joseph Miller, praying to be divorced from his wife, Lavenia Miller.

8. Mr. Clarke presented the petition of the Trustees of Common School District, No. 23, in Caldwell county, praying that provision be made for payment of the amount due said District, from the Common School Fund.

9. Mr. Pope presented the petition of sundry citizens of the city of Louisville, praying that the charter of the Lexington and Ohio Railroad Company be revived, or that a company be chartered to construct a Railroad from Frankfort to Louisville.

10. Mr. Barlow presented the petition of Amon C. Hale, praying a change of venue in the prosecution pending against him in the Clinton Circuit Court, for perjury.

11. Mr. Brooks presented the petition of Philip King, praying that the name of John Lewis Hally be changed to that of John Lewis King.

12. Mr. A. Johnson presented the petition of Littleton Hellums, praying the passage of a law authorizing him to change a part of the State road leading from Paducah to Gray's Ferry.

13. Also, the petition of sundry citizens of Marshall county, praying the repeal of the act establishing a State road from Moss' Ferry, on the Tennessee river, to Waidsboro'.

14. Mr. Gore presented the petition of Mary Hancock, praying to be divorced from her husband, James Hancock.

15. Mr. Alexander presented the petition of Alley Martin and Robert Martin, praying to be divorced from each other.

16. Mr. Hardy presented the petition of sundry citizens of Barren, Allen, and Monroe counties, praying the establishment of a new county out of parts of said counties.

17. Mr. Cox presented the memorial of sundry citizens of Carter county, praying that Geo. W. Kouns, a Justice of the Peace of said county, may be addressed out of office.

18. Mr. B. Stone presented the petition of sundry citizens of Owsley county, praying a change in the location of the Seat of Justice of said county.

19. Mr. Cox presented the petition of sundry citizens of Fleming county, praying the passage of a general law, giving to mechanics and others performing labor and furnishing materials in constructing building, liens on such buildings for their labor and materials.

20. Also, the petition of Richard D. Renoe, praying the passage of a law authorizing him to sell certain real estate belonging to his infant children.

21. Also, the petition of the widow and heirs of John Summitt, deceased, praying the passage of a law authorizing a sale of certain real estate devised to said widow and heirs by said Summitt.

22. Mr. Mason presented the petition of Absolem Quinn, praying to be released from the payment of the balance of a debt due by him to the Commonwealth's Bank.

23. Mr. G. Bowling presented the petition of Alexander Strong, praying the passage of a law authorizing him to continue a mill dam erected by him across the North Fork of the Kentucky river.

Which were received, the reading dispensed with, (except the 4th and 9th, which were read,) and referred; the 1st, 3d, 16th, and 18th to the committee on Propositions and Grievances; the 2d, 5th, and 8th to the committee on Claims; the 4th to the committee on Military Affairs; the 6th and 22d to the committee on Ways and Means; the 7th, 14th, and 15th to the committee on Religion; the 9th to the committee on Internal Improvement; the 10th, 11th, 19th, 20th, and 21st to the committee on the Judiciary; the 12th and 13th to Messrs. A. Johnson, Mayes, and Dallam; the 17th to Messrs. Cox, Stevenson, and Desha; and the 23d to Messrs. G. Bowling, E. Smith, Begley, Short, and Orr.

Mr. Isaac H. Evans, the member returned to serve in this House from the county of Christian, and Mr. Daniel Head, the member returned to serve in this House from the county of Hopkins, appeared, produced certificates of their election, and having taken the oath required by the Constitution of the United States and Constitution and Laws of this State, took their seats.

A message was received from the Senate announcing the passage of bills from this House of the following titles, viz:

An act to extend the Constable's district including the town of Mayfield.

An act for the benefit of E. Stout, and others.

And that they had passed a bill entitled, an act to authorize the County Court of Breckinridge county to change the location of part of the State road leading from Brandenburg to Shawneetown.

On motion of Mr. J. Speed Smith,

Resolved, That the committee on Ways and Means be instructed to enquire into the justice, propriety, and policy of subjecting the forfeited lands in this Commonwealth to appropriation, according to the laws now in force authorizing the appropriation of vacant land.

Mr. Kelly, from the committee appointed to prepare and bring in the same, reported a bill for the benefit of Benjamin Leavell, which was read the first time, as follows, viz:

WHEREAS, it is represented to the present General Assembly, that Benjamin Leavell, of the county of Christian, purchased, some years since, a certain negro slave, of the name of Alfred, who was taken from this State, where he was born and raised, and sold in the State of Tennessee, and that it is the prayer of many of the fellow citizens and neighbors of the said Leavell, that he should have the privilege to bring back the said slave into this State, from which he was taken; and it appearing further, that the said slave is of a good moral character—Wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Benjamin Leavell, of Christian county, be, and he is hereby, authorized to bring back into this State, from the State of Tennessee, a certain negro slave named Alfred, provided he shall, within thirty days after introducing said slave, file and cause to be entered on the order book of the County Court of Christian county, his affidavit, setting forth the name and age of said slave, and that he was brought back into this State for the use of himself and family, and not for sale or merchandise, and that he intends to keep him for his own use.

The question was then taken on ordering said bill to be read a second time, and it was decided in the affirmative.

The rule of the House, constitutional provision, and second and third readings of said bill having been dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hunton and Clarke, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker.
Messrs. Abbott,
Alexander,

Ford,
Gano,
Gardner,

Orr,
Peters,
Pope,

Anthony,	Glenn,	Priest,
Barkley,	Gore,	Railey,
Barlow,	Harlan,	Reid,
Begley,	Hardy,	Riley,
Botts,	Hatfield,	Rodman,
Bowling, G.	Head,	Seaton,
Bowling, R. C.	Howell,	Short,
Brawner,	Hughes,	Smith, J. Speed
Brown,	Jackson,	Sparks,
Cessna,	Johnson, A.	Speed,
Clarke,	Jones,	Stevenson,
Cleaveland,	Kelly,	Stone, B.
Combs, J.	Layne,	Thomas, A. W.
Combs, L.	Mayhall,	Walker,
Dallam,	Mayes,	Wallace,
Darnaby,	Maxey,	Waller,
Desha,	McCampbell,	Wheat,
Dudley,	Mills,	Whitlock,
Duncan,	Moore,	Whitsett,
Evans,	Myers,	Wortham—70.
Fallis,		

Those who voted in the negative, were—

Messrs. Balee,	Finnell,	Miller,
Barnett,	Glover,	Murray,
Brasher,	Hay,	Root,
Breeden,	Headley,	Shawhan,
Brooks,	Hunton,	Smith, E.
Clack,	Johnson, D. B.	Smith, J.
Conner,	Lapsley,	Stone, S.
Cox,	Mason,	Thurston—26.
Elliott,	McKellup,	

Resolved, That the title thereof be as aforesaid.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Kelly—1. A bill to change the name of Samuel Allison.

By Mr. Orr—2. A bill for the benefit of R. L. Edwards, of Owen county, and N. Y. Hillman, of Monroe county.

By Mr. Whitsett—3. A bill for the benefit of Moses McMillan, of Barren county.

By Mr. Wortham—4. A bill ordering the payment of the amount due the Commissioners on the road from the mouth of Salt river to Bowling-green.

By Mr. Stevenson—5. A bill to amend an act, entitled, an act for the benefit of the Grand and Subordinate Lodges of the Independent Order of Odd Fellows, and for the benefit of Washington Lodge, No. 3, in the city of Covington.

By Mr. Orr—6. A bill to change the name of James William Davis.

By Mr. Wortham—7. A bill to reduce the salaries of the Circuit Judges of this Commonwealth, and for other purposes.

By Mr. Glenn—8. A bill for the benefit of Gideon S., and Susan Mary Mims, infant heirs of Gideon Mims, Jr., deceased.

By Mr. Mason—9. A bill providing for the support of Idiots.

By Mr. Hunton—10. A bill to appropriate Commonwealth's fines to the improvement of public roads.

By Mr. Mayes—11. A bill for the benefit of the Common Schools in Graves county, and for other purposes.

By Mr. Shawhan—12. A bill for the benefit of John Sparks, a Constable of Harrison county.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision, and second reading of said bills having been dispensed with, the 1st, 3d, 5th, 6th, and 12th were severally ordered to be engrossed and read a third time; the 2d was referred to the committee on the Library; the 4th to the committee on Internal Improvement; the 7th and 8th to the committee on the Judiciary; the 9th and 10th to the committee on Ways and Means; and the 11th to the committee on Education.

The rule of the House, constitutional provision, and third reading of the 1st, 3d, 5th, 6th, and 12th bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Public Printer forthwith print 150 copies of the 7th bill, for the use of the members of the General Assembly.

Mr. Hunton, from the committee appointed to prepare and bring in the same, reported a bill to abolish the First Auditor's Office.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision, and second reading of said bill having been dispensed with, it was referred to the committee on Ways and Means, with the following instruction, proposed by Mr. Glenn, viz:

To enquire into the expediency of so amending the existing laws in relation to the office of Auditor, that the business of the Sinking Fund, the Board of Internal Improvement, the Commonwealth's Bank, the Old Bank of Kentucky, and collection of tolls on the Kentucky river shall be confided to said office.

Mr. Barclay, from the committee appointed to prepare and bring in the same, reported a bill to exempt Teachers, &c. of Colleges, from performing militia service, working on roads, and for other purposes.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision, and second reading of said bill having been dispensed with, the said bill was then amended.

Ordered, That the said bill, as amended, be laid on the table.

Mr. Mayes, from the committee appointed to prepare and bring in the same, reported a bill to repeal an act, entitled, an act to regulate the administration and settlement of estates, approved 20th February, 1839.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision, and second reading of said bill having been dispensed with, it was referred to the committee on the Judiciary, with the following instructions, proposed by Mr. Hardy, viz:

To enquire into the expediency and propriety of so amending an act to regulate the administration and settlement of estates, as to simplify the proceedings and to reduce the costs attending the settlement, when the estate is not sufficient to pay the debts of the decedent.

Mr. Hunton moved the following resolution, viz:

Resolved, That a select committee be appointed, whose duty it shall be, and they are hereby instructed, to enquire what defects or corruption, if any, exist in the administration of the Judicial Department of the government of this State, which may require the constitutional interposition of this House; and especially to enquire what disposition is habitually made of the Clerkships of Courts, whether the same be made subjects of "bargain and sale," in violation of law, and if so, how far the Courts of this Commonwealth lend their countenance and sanction to the same, by ratifying such corrupt agreements; and also, to enquire what is the common practice in reference to the office of Sheriff, whether the same be not publicly bought and sold; and also, to enquire, further, as to the common "market prices" of such offices in each county; and further, whether there be any defects or corruptions in the workings of the County Court system, such as to require the interposition of this House; and that this committee have full power to send for persons and papers to effect the objects contemplated by this resolution.

Resolved, That said committee be composed of one member of this House from each Congressional district in this House.

Which was adopted.

Mr. Hughes read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a joint committee of two from the Senate and four from the House of Representatives, be appointed to examine Transylvania University and the Lunatic Asylum, at Lexington, and Deaf and Dumb Asylum at Danville, and report the condition of each to this General Assembly; and that said committee have power to send for persons, papers, and records.

Mr. Harlan moved the following resolution, viz:

Resolved, That the committee on Ways and Means be instructed to enquire into the expediency of taxing process issued by Justices of the Peace and Police Judges, and that said committee report a bill to that effect.

Which was adopted.

On motion of Mr. Finnell,

Ordered, That the committee on the contested election from Boone county, have permission to set while the House is in session.

Leave was given to bring in the following bills, viz:

On the motion of Mr. L. Combs—1. A bill concerning the Bank of Kentucky.

On the motion of Mr. Hunton—2. A bill to protect the citizens of this Commonwealth against imposition on the part of Justices of the Peace and Constables.

On the motion of Mr. Barlow—3. A bill for the benefit of Thomas Howser, of Monroe county.

On the motion of Mr. Myers—4. A bill for the benefit of the guardian and heirs of Hubbard B. Smith, deceased.

On the motion of same—5. A bill for the benefit of Martin Draper, late Sheriff of Grant county.

On the motion of same—6. A bill for the benefit of Harriet Strode and the heirs of Edward Strode, deceased.

Ordered, That Messrs. L. Combs, Harlan, Pope, and S. Stone prepare and bring in the 1st; Messrs. Hunton, Wortham, and Hatfield the 2d; Messrs. Barlow, Harlan, and Gardner the 3d; and the committee on the Judiciary the 4th, 5th, and 6th.

Mr. E. Smith moved the following resolution, viz:

Resolved, That the committee on Ways and Means be instructed to enquire into the expediency of requiring the Clerks of the Courts of this Commonwealth to pay into the Public Treasury all moneys received by each, annually, arising from the fees and perquisites of their respective offices, over and above the sum of \$1,200, and that the same be placed to the credit of the Sinking Fund.

Which was adopted.

The Speaker laid before the House the response of the Second Auditor to the resolution proposed by Mr. Harlan, on Saturday last, which is as follows, viz:

REVENUE DEPARTMENT,

AUDITOR'S OFFICE,

Frankfort, January 5, 1846. }

Sir: In compliance with the resolution of the House of Representatives of the 3d instant, directing the Second Auditor to communicate to the House "a statement, made up from the lists of taxable property of ten counties selected from different portions of the State, showing the number of persons in each county who pay no tax; the number who pay fifteen cents and under; and the number who pay thirty cents and under; and the number who pay over thirty cents: also, the total number of persons listed for taxation in each of such ten counties," I have the honor to transmit herewith a tabular statement, giving the information required by said resolution.

I have the honor to be, very respectfully, your obedient servant,

THOS. S. PAGE, *Second Auditor*.

To the Hon. J. R. UNDERWOOD,

Speaker of the House of Representatives.

Statement showing the whole number of taxable lists in ten counties; the number who pay no tax; the number who pay 15 cents and under; the number who pay 30 cents and under; and the number who pay over 30 cents, taken from the Commissioners' Books, returned to the office of the Second Auditor for the year 1845.

COUNTIES.	Who pay nothing.	Who pay 15 cts. & under.	Who pay 30 cts. & under.	Who pay over 30 cents.	Total lists.
Jefferson, - - - - -	4,730	760	314	3,804	9,608
Allen, - - - - -	126	533	113	697	1,469
Logan, - - - - -	254	578	152	1,437	2,421
Kenton, - - - - -	971	476	109	1,061	2,617
Livingston, - - - - -	277	234	66	483	1,060
Floyd, - - - - -	149	361	62	355	927
Fleming, - - - - -	459	733	157	1,247	2,596
Nelson, - - - - -	438	510	109	1,364	2,421
Franklin, - - - - -	495	440	81	1,036	2,052
Fayette, - - - - -	964	408	102	1,863	3,337
Total, - - - - -	8,863	5,033	1,265	13,347	28,508

Ordered, That the Public Printer forthwith print 150 copies of said response for the use of the members of the General Assembly.

The Speaker laid before the House a report from the First Auditor, which is as follows, viz:

[For Report—see *Legislative Documents*.]

Ordered, That the Public Printer forthwith print 150 copies of said report for the use of the members of the General Assembly.

And then the House adjourned.

TUESDAY, JANUARY 6, 1846.

On motion of Mr. Hughes,

Ordered, That leave of absence, until Monday next, be granted to Mr. Mason.

Mr. E. Smith moved a reconsideration of the vote adopting the resolution proposed by Mr. Hunton on yesterday.

And the question being taken thereon, it was decided in the affirmative.

Mr. Mayhall moved to amend said resolution by adding the following, viz:

Resolved, also, That said committee enquire into the official conduct of the Governor, Secretary of State, Attorney General, Commonwealth's Attorneys; and also enquire whether any member of the present House of Representatives has procured his election by bribery, corruption, or by any manner not authorized by law.

Mr. Haggard moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the amendment proposed by Mr. Mayhall be adopted? and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Mayhall and J. Speed Smith, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Ford,	Myers,
Barkley,	Gano,	Orr,
Begley,	Haggard,	Pope,
Brawner,	Harlan,	Purdum,
Brown,	Hay,	Riley,
Combs, J.	Johnson, D. B.	Seaton,
Combs, L.	Johnson, A.	Shawhan,
Conner,	Jones,	Smith, E.
Dallam,	Mayhall,	Stone, S.
Darnaby,	McC Campbell,	Wheat,
Desha,	Mills,	Whitsett,
Duncan,	Miller,	Wortham—38.
Evans,	Moore,	

Those who voted in the negative, were—

Mr. Speaker,	Glenn,	Priest,
Messrs. Anthony,	Glover,	Railey,
Balee,	Gore,	Reid,
Barlow,	Hardy,	Rodman,
Barnett,	Hatfield,	Root,
Botts,	Head,	Short,
Bowling, G.	Headley,	Smith, J.
Bowling, R. C.	Howell,	Smith, J. Speed
Breeden,	Hughes,	Sparks,
Brooks,	Hunton,	Speed,
Cessna,	Lapsley,	Stone, B.
Clack,	Layne,	Thomas, A. W.
Clarke,	Mayes,	Thurston,
Cleaveland,	Maxey,	Walker,
Dudley,	McKellup,	Wallace,
Elliott,	Murray,	Waller,
Fallis,	Orndorff,	Whitlock—53.
Gardner,	Peters,	

The question was then taken on the adoption of the resolution proposed by Mr. Hunton, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hunton and J. Smith, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Ford,	Myers,
Messrs. Alexander,	Gano,	Orndorff,
Anthony,	Gardner,	Orr,
Balee,	Glenn,	Peters,
Barkley,	Glover,	Pope,
Barlow,	Gore,	Priest,
Barnett,	Haggard,	Purdom,
Begley,	Harlan,	Railey,
Botts,	Hardy,	Reid,
Bowling, G.	Hatfield,	Riley,
Bowling, R. C.	Hay,	Rodman,
Brawner,	Head,	Root,
Breeden,	Headley,	Seaton,
Brown,	Howell,	Shawhan,
Brooks,	Hughes,	Short,
Cessna,	Hunton,	Smith, J.
Clack,	Johnson, D. B.	Smith, J. Speed
Clarke,	Johnson, A.	Sparks,
Cleaveland,	Jones,	Speed,
Combs, J.	Lapsley,	Stone, B.
Combs, L.	Layne,	Stone, S.
Conner,	Mayhall,	Thomas, A. W.
Dallam,	Mayes,	Thurston,
Darnaby,	Maxey,	Walker,
Desha,	McCampbell,	Wallace,
Dudley,	McKellup,	Waller,
Duncan,	Mills,	Wheat,
Elliott,	Miller,	Whitlock,
Evans,	Moore,	Whitsett,
Fallis,	Murray,	Wortham—90.

Those who voted in the negative, were—

Mr. E. Smith,—1.

Whereupon, the Speaker appointed Messrs. Hunton, Thurston, Breeden, Begley, Rodman, Brown, Mayhall, A. Johnson, Anthony, and Haggard the committee in pursuance of said resolution.

Bills from the Senate of the following titles, viz:

An act to continue in force for one year, an act for the benefit of Isaiah Heston, late Sheriff of Breckinridge county.

An act continuing in force the law providing for the appointment of Commonwealth's Attorneys.

An act authorizing the County Court of Breckinridge county to change the location of a part of the State road leading from Brandenburg to Shawneetown.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with,

Resolved, That the same do pass, and that the titles thereof be as aforesaid.

The House then took up the resolution read and laid on the table by Mr. Hughes, on yesterday.

Which being twice read was adopted.

A bill to take the sense of the people of this Commonwealth as to the expediency of calling a convention, was read the second time.

On motion of Mr. E. Smith,

Ordered, That the said bill be referred to a committee of the whole House for Thursday next.

1. Mr. Glenn presented the petition of Urban E. Kennedy and Achsah H. Kennedy, praying the passage of a law legalizing certain conveyances made by them, the said Achsah being under age.

2. Mr. Anthony presented the remonstrance of sundry citizens of Allen county, against the establishment of a new county out of parts of said county and the counties of Barren and Monroe.

3. Mr. Seaton presented the petition of James Gray, praying to be divorced from his wife, Rachel Gray.

4. Mr. Botts presented the petition of Mary L. Burch, praying that permission be given her to erect a fish dam across the Rolling Fork of Salt river.

5. Mr. Priest presented the petition of sundry citizens of Henderson county, praying the passage of a law establishing a new Judicial District.

6. Mr. Barlow presented the petition of sundry Justices of the Peace of Monroe county, praying that the number of Justices of the Peace of said county be reduced.

7. Mr. Head presented the petition of Green B. Talley and Mary Talley, praying to be divorced from each other.

8. Mr. Riley presented the petition of Archey Milam, a free man of color, praying that he be permitted to bring into this State his wife, who is a free woman of color.

9. Mr. Mayes presented the petition of Henry Scofield, praying the passage of a law permitting him to keep a tavern without obtaining and paying for a license so to do.

10. Mr. Hay presented the petition of Jackson Wilkins, praying the passage of a law permitting him to retail spirituous liquors without obtaining and paying for a license so to do.

11. Mr. Alexander presented the petition of sundry citizens of Hardin and Larue counties, praying the passage of a law making it a felony to disinter the dead.

12. Mr. Glover presented the petition of John Duerson, praying that his slave, Harry, may be made capable of taking the estate of Moses Frederick, deceased, who was a free man of color.

13. Also, the petition of John Dennis, praying the passage of a law authorizing the sale of certain real estate held by him in trust, for the use of his wife and children.

Which were received, the reading thereof dispensed with, (except the 9th and 10th, which were read,) and referred, the 1st, 5th, 6th, 8th, 11th, 12th, and 13th to the committee on the Judiciary; the 2d to the committee on Propositions and Grievances; the 3d and 7th to the committee on Religion; the 4th to the committee on Internal Improvement; and the 9th and 10th to the committee on Ways and Means.

Mr. Harlan, from the committee on the Judiciary, who were appointed to prepare and bring in the same, reported the following bills, viz:

A bill to change the venue in the prosecutions against Moses Guess, Philip Jones, Murry M. Jones, and John P. Salling, from the Edmonson to the Warren Circuit Court.

A bill for the benefit of the Jailers of Hickman, Oldham, and Livingston counties.

A bill to change the name of Betsey Walton and Mary Ann White.

A bill to change the name of Clementine Pinley to Clementine Waterbury.

A bill authorizing the appointment of additional Justices of the Peace for the counties of Muhlenburg and Union.

A bill to regulate the terms of the Larue Circuit Court.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Peters, from the committee on Religion, to whom was referred the petitions of Munford King, and of Thomas M. Holifield, each praying for a divorce, reported the same with the following resolution, viz:

Resolved, That said petitions be rejected.

Mr. Mayes moved to amend said resolution by striking out the words "be rejected," and inserting "is reasonable."

And the question being taken thereon, it was decided in the negative.

The said resolution was then concurred in.

Mr. Anthony moved the following resolution, viz:

WHEREAS, It becomes a people of a free and republican government, at all times to keep and fondly cherish in their recollection, the victories which not only achieved, but those which have perpetuated their freedom, and by some public demonstration, hand down to posterity those important and signal events, as well as the names of those individuals who were foremost in securing to our beloved country the boon of civil and religious liberty—therefore,

Resolved, That his Excellency, the Governor of this Commonwealth be, and he is hereby, respectfully requested to cause to be fired, a national salute, on the Capitol Square, on the 8th day of this month, at sun rise, in commemoration of the victory of the American arms, achieved over the British forces at New Orleans, on the 8th day of January, 1815.

Mr. E. Smith moved to amend said resolution by adding the following, viz:

And that the Governor, in firing said salute, cause to be used the cannon captured by General Harrison at the battle of the Thames.

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

The question was then taken on the adoption of the resolution, as amended, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Haggard and Desha, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Ford,	Orndorff,
Messrs. Abbett,	Finnell,	Orr,
Alexander,	Gano,	Peters,
Anthony,	Gardner,	Pope,
Balee,	Glenn,	Priest,
Barkley,	Glover,	Purdom,
Barlow,	Gore,	Railey,
Barnett,	Hardy,	Reid,
Begley,	Hatfield,	Riley,
Botts,	Hay,	Rodman,
Bowling, G.	Head,	Root,
Bowling, R. C.	Headley,	Shawhan,
Brasher,	Howell,	Short,
Brawner,	Hughes,	Smith, E.
Breeden,	Hunton,	Smith, J.
Brown,	Johnson, D. B.	Smith, J. Speed
Brooks,	Johnson, A.	Sparks,
Cessna,	Kelly,	Speed,
Clack,	Lapsley,	Stevenson,
Clarke,	Layne,	Stone, B.
Cleaveland,	Mayhall,	Stone, S.
Combs, J.	Mayer,	Thomas, A. W.
Combs, L.	Maxey,	Thurston,
Cox,	McCampbell,	Walker,
Dallam,	McKellup,	Wallace,
Darnaby,	Mills,	Waller,

Desha,
Dudley,
Duncan,
Elliott,
Evans,

Miller,
Moore,
Murray,
Myers,

Wheat,
Whitlock,
Whitsett,
Wortham—91.

Those who voted in the negative, were—

Messrs. Haggard,

Harlan,

Seaton—3.

Mr. J. Speed Smith moved the following resolution, viz:

Resolved, That the joint committee on Public Printing shall consist of seven members from the House of Representatives.

Which was adopted.

And then the House adjourned.

WEDNESDAY, JANUARY 7, 1846.

The Speaker, in pursuance of the resolution proposed by Mr. J. Speed Smith, on yesterday, added Messrs. Finnell, Wallace, and Seaton to the committee on Public Printing.

Mr. Dallam, from the committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of E. Stout, and others.

An act to extend the Constable's district including the town of Mayfield. Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Dallam inform the Senate thereof.

1. Mr. Botts presented the petition of sundry citizens of Nelson county, praying that an additional Justice of the Peace be allowed to said county.

2. Mr. Hardy presented the petition of sundry citizens of Barren county, praying the establishment of a new county out of parts of said county and the counties of Allen and Barren.

3. Mr. Clarke presented the petition of Thomas S. Head, praying the passage of a law permitting him to retain in this State, certain slaves given him, and which were brought into the State from the State of Alabama.

4. Mr. L. Combs presented the petition of Mary Levi, praying to be divorced from her husband, James C. Levi.

5. Mr. Harlan presented the petition of Thomas Watson, praying to be divorced from his wife, Amanda Watson.

6. Mr. Waller presented the memorial of sundry citizens of Mason county, against the removal of the Seat of Justice of said county.

7. Also, the memorial of sundry citizens of Maysville, praying the removal of the Seat of Justice of Mason county from Washington to Maysville.

8. Mr. Mills presented the petition of Lewis Parker and Elizabeth Franklin, praying the passage of a law authorizing a sale of certain real estate belonging to the estate of Elisha Franklin, deceased.

Which were received, the reading thereof dispensed with, (except the 6th and 8th, which were read,) and referred—the 1st, 3d, and 8th to the committee on the Judiciary; the 2d, 6th and 7th to the committee on Propositions and Grievances; and the 4th and 5th to the committee on Religion.

A message was received from the Senate announcing the passage of bills from this House, of the following titles, viz:

An act to allow an additional Justice of the Peace and Constable to Fulton county.

An act for the benefit of Mary Ann M. Hall, and others.

An act for the benefit of William T. Samuels.

An act for the benefit of the town of Albany.

With an amendment to the last named bill.

That they had passed bills of the following titles, viz:

An act for the benefit of the Clerk of the Clinton Circuit Court.

An act for the benefit of Jonathan T. Moredock.

An act to authorize the County Court of Barren county to change the location of the Poor house in said county.

An act to change the time of holding the election of Trustees for the town of Cadiz, in Trigg county.

An act to allow further time to the Sheriff of Pulaski county to return his delinquent list of muster fines.

An act for the benefit of Samuel E. Carpenter.

An act to change the names of William Reynolds and Walker Reynolds, to those of William Cochran and Walker Cockran, and for other purposes.

And had adopted a resolution to appoint a committee to examine the Transylvania University and the Lunatic Asylum.

Mr. Peters, from the committee on Religion, to whom was referred the petition of Cheariba Ann Wright, praying for a divorce, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Peters, from the same committee, who were appointed to prepare and bring in the same, reported the following bills, viz:

A bill divorcing Wilford Clark from his wife, Matilda Clark.

A bill divorcing Nelson Bennet from his wife, Mary Bennet.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

The question was then taken on the passage of said bills, and it was decided in the negative, and so the said bills were rejected.

A message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that he had approved and signed enrolled bills which originated in this House, of the following titles, viz:

An act for the benefit of E. Stout, and others.

An act to extend the Constable's district including the town of Mayfield.

Approved, January 7, 1846.

Mr. L. Combs, from the committee on Ways and Means, to whom was referred the petition of J. C. Burch, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Mr. Glenn moved to amend said resolution by striking out the words "be rejected," and inserting "is reasonable."

And the question being taken thereon, it was decided in the negative.

The said resolution was then concurred in.

The same committee, to whom was referred the petition of Absalem Quinn, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. L. Combs, from the same committee, to whom was referred the bill for the benefit of Felix O. Beazley, reported the same without amendment.

And the question being taken on engrossing and reading said bill a third time, it was decided in the negative, and so said bill was rejected.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Religion—1. A bill to divorce Marvel Winfrey from his wife, Betsy Jane Winfrey.

By same—2. A bill divorcing Mary Hancock.

By same—3. A bill divorcing Alley Martin from her husband.

By same—4. A bill to divorce Joseph Miller from his wife.

By the committee on Ways and Means—5. A bill to amend an act to invest the Craddock Fund.

By same—6. A bill to repeal all laws allowing a bounty on silk cocoons.

By same—7. A bill for the benefit of punctual Sheriffs.

By same—8. A bill concerning the Board of Internal Improvement, the Bank of the Commonwealth, and the Bank of Kentucky.

By the committee on Military Affairs—9. A bill to legalize certain proceedings of the 20th Regiment, and for other purposes.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2d, 3d, 4th, 5th, and 9th bills were severally ordered to be engrossed and read a third time; the 6th was referred to the committee on Agriculture and Manufactures; and the 7th and 8th, to the committee on the Judiciary.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 4th, 5th, and 9th bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Public Printer forthwith print 150 copies of the 7th and 8th bills for the use of the members of the General Assembly.

Mr. L. Combs, from the committee on Ways and Means, to whom was referred the bill to abolish the First Auditor's Office, reported the same without amendment.

Ordered, That said bill be referred to the committee on the Judiciary.

Ordered, That the Public Printer forthwith print 150 copies of said bill, for the use of the members of the General Assembly.

The amendments proposed by the Senate, to a bill from this House, entitled, an act for the benefit of the town of Albany, were taken up and concurred in.

Bills from the Senate of the following titles, viz :

1. An act for the benefit of the Clerk of the Clinton Circuit Court.
2. An act for the benefit of Jonathan T. Moredock.
3. An act to authorize the County Court of Barren county to change the location of the Poor house in said county.
4. An act to change the time of holding the election of Trustees for the town of Cadiz, in Trigg county.
5. An act for the benefit of Samuel E. Carpenter.
6. An act to change the name of William Reynolds and Walker Reynolds, to those of William Cochran and Walter Cochran, and for other purposes,

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 4th, 5th, and 6th were sever-

ally ordered to be read a third time; and the 2d and 3d were referred to the committee on the Judiciary.

The rule of the House, constitutional provision and third reading of the 1st, 4th, 5th, and 6th bills having been dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A bill from the Senate, entitled, an act to allow further time to the Sheriff of Pulaski county to return his delinquent list of militia fines,

Was read the first time, and ordered to be read the second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed, the said bill was then amended.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be amended by adding "and for other purposes."

A resolution from the Senate to appoint a committee to examine Transylvania University and the Lunatic Asylum, was taken up, and being amended, was twice read and concurred in.

The Speaker laid before the House the annual report of the Superintendent of Public Instruction, which is as follows, viz:

[*For Report—see Legislative Documents.*]

Ordered, That said report be referred to the committee on Education, and that the Public Printer forthwith print 150 copies of said report for the use of the members of the General Assembly.

The Speaker laid before the House the annual report of the Kentucky and Louisville Mutual Insurance Company, which is as follows, viz:

Report of the condition, progress, and affairs of the Kentucky and Louisville Mutual Insurance Company, up to the 29th of November, 1845, inclusive, viz:

Amount insured, 546 Policies,	-	\$1,564,477 00	
Amount insured, 18 Policies, on merchandise,		26,700 00	
			<u>\$1,591,177 00</u>
Amount of premium notes	-	\$ 89,773 20½	
Deduct amount of premiums discharged by transfer of property and otherwise,	-	5,437 25	
			<u>\$84,335 95½</u>

Received on premium notes, - - -	\$13,349 51	
Received for 564 Policies, - - -	564 00	
Received for premium on merchandise, - - -	597 12½	
Due to Agent, - - - - -	21½	
	<hr/>	\$14,510 85
Paid this amount of expense accounts, - - -	\$9,154 93	
Paid for losses, - - - - -	3,089 73	
Paid for commission to Agents, - - -	98 39	
Due from Agents, - - - - -	243 95½	
Cash, balance, - - - - -	1,923 84½	
	<hr/>	\$14,510 85

BALANCES.

DEBITS.

To bills receivable, - - - - -	\$71,160 91½
To cash, - - - - -	1,923 84½
To commission account, - - - - -	89 39
To expense account, - - - - -	9,154 93
To profit and loss account, - - - - -	3,089 73
To Agent's accounts, - - - - -	243 95½
	<hr/>
	\$85,671 76½

CREDITS.

By premium account, - - - - -	\$84,335 95½
By extra premium account, - - - - -	174 46½
By premium on merchandise, - - - - -	597 12½
By Policy account, - - - - -	564 00
By Agent's account, - - - - -	21½
	<hr/>
	\$85,671 76½

At a meeting of the President and Directors of the "Kentucky and Louisville Mutual Insurance Company," at their office in the city of Louisville, on the 2d day of December, 1845, "the President of the Company submitted to the Board a statement of the condition, progress and affairs of this Company, which, after being read, examined, and approved by the Board, was adopted, and the President is directed to furnish a copy of the same to the General Assembly of this State, agreeably to the requisition of the 22d section of the charter of this Company."

OFFICE OF THE KY. AND LOUISVILLE MUTUAL INSURANCE CO. }
 Louisville, January 5, 1846. }

SIR:

In obedience to the requisition of the 22d section of the charter of this Company, and the order of the Board, I herewith transmit to you the foregoing report of the condition, progress and affairs of this Company, from the commencement of their business up to and including the 29th of Novem-

ber last, and request that you will lay the same before the body over which you preside,

I have the honor to be,

Very respectfully, &c.

WILLIS STEWART, *President.*

HON. JOSEPH R. UNDERWOOD,

Speaker of the House of Representatives.

Mr. Stevenson moved the following resolution, viz:

Resolved, That the committee on the Judiciary be requested to enquire into the expediency of changing the time of holding the sessions of the Court of Appeals, and that said committee be instructed to report a bill causing at least one session of said Court to be holden in December or January of each year.

Which was adopted.

And then the House adjourned.

THURSDAY, JANUARY 8, 1846.

Mr. William Thomas, the member returned to serve in this House from the counties of McCracken and Ballard, appeared, and having taken the oath prescribed by the Constitution of the United States and the Constitution and Laws of this State, and a certificate of his election, took his seat.

Mr. Dallam, from the committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act to allow an additional Justice of the Peace and Constable to Fulton county.

An act for the benefit of Mary Ann M. Hall, and others.

An act for the benefit of William T. Samuels.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Dallam inform the Senate thereof.

A message was received from the Senate, announcing the passage of bills from this House, of the following titles, viz:

An act for the benefit of James Flippin and W. G. Howard, late Sheriffs of Monroe county.

An act appointing Commissioners to run and mark the county line between Jefferson and Bullitt counties.

An act for the benefit of Benjamin Leavell.
An act to change the name of Samuel Allison.
An act to change the name of James William Davis.
An act for the benefit of John Sparks, a Constable of Harrison county.
An act for the benefit of the late Sheriff of Casey county, and for other purposes.

With amendments to the last named bill.

That they had passed bills of the following titles, viz:

An act for the benefit of William Skaggs, Sheriff of Green county.
An act for the benefit of Edward Lewis, late Sheriff of Green county.
An act for the benefit of Jonathan Davis, of Allen county, and Raleigh Watson, of Morgan county.

An act for the benefit of William Davis, late Sheriff of Clinton county.

An act providing for a change of venue in the prosecution against Garrett Fitzpatrick.

An act for the benefit of Albert Allen and Ann E. Allen, his wife.

An act for the benefit of Louisa Ann Coleman, and Charles H. Kenner and Marcus M. Kenner.

An act for the benefit of John Thomas.

An act for the benefit of Joseph A. Radford and Louisa J. Radford.

An act to change the venue in the prosecution against Milton Martin, indicted for felony.

An act to amend an act in relation to the county line of Floyd county.

An act for the benefit of Nathan Board, and others.

An act for the benefit of William Adcock, and others.

1. Mr. Miller presented the petition of Joseph A. Allen, praying a change of venue in the prosecutions pending against him in the Spencer Circuit Court.

2. Mr. Reid presented the petition of the heirs of Jacob Cardwell, deceased, praying the passage of a law authorizing the sale of certain real estate of said deceased.

3. Mr. Peters presented the petition of sundry citizens of Montgomery county, praying a change in the place of voting in an election precinct in said county.

4. Mr. Desha presented a copy of the record and proceedings in the suit of Mary E. Levi, against James C. Levi, for a divorce, to be used as evidence on the part of said James C., in his application for a divorce.

5. Mr. J. Speed Smith presented the petition of sundry citizens of Madison county, praying the establishment of an additional election precinct in said county.

Which were received, the reading thereof dispensed with, and referred, the 1st and 2d to the committee on the Judiciary; the 3d to the committee

on Privileges and Elections; the 4th to the committee on Religion; and the 5th to Messrs. J. Speed Smith, Wallace, and Stevenson.

Leave was given to bring in the following bills, viz:

On motion of Mr. Wheat—1. A bill to amend an act, entitled, an act to provide for binding out poor free children of color, approved Dec. 21, 1825.

On motion of Mr. Anthony—2. A bill to authorize the Clerks of the Circuit and County Courts to issue subpoenas duces tecum without special order of Court.

On motion of same—3. A bill to amend the law in relation to summoning witnesses to attend Courts.

On motion of same—4. A bill to change the place of voting in an election precinct in Allen county.

On motion of Mr. Barkley—5. A bill authorizing the County Court of Boyle to have a cross index made to deeds, &c., recorded in the Clerk's office of said county.

On motion of Mr. J. Combs—6. A bill for the benefit of Preston F. Samuels, a minor, of the county of Bullitt.

On motion of Mr. Duncan—7. A bill to amend the charter of the Agricultural Society of Bourbon county.

On motion of Mr. J. Smith—8. A bill prohibiting the manufacture and sale of ardent spirits by free negroes.

On motion of Mr. Brasher—9. A bill to amend the law in relation to peddlers.

On motion of Mr. G. Bowling—10. A bill to change the place of voting in an election precinct in the county of Breathitt.

On motion of Mr. Root—11. A bill providing for the valuation of personal property when taken in execution, before the same shall be sold.

On motion of same—12. A bill to amend the execution laws.

On motion of same—13. A bill to compel the County Courts of this Commonwealth to make a statement, annually, of the indebtedness and liabilities of their respective counties.

On motion of Mr. Kelly—14. A bill to increase the jurisdiction of the magistrates of this Commonwealth.

On motion of Mr. Hunton—15. A bill in relation to keeping the public roads in Clarke county, in repair.

On motion of Mr. Abbett—16. A bill to abolish an election precinct in the county of Gallatin.

On motion of same—17. A bill to provide Wm. Dean, Levi Griffin, and Geo. W. Sanders, Justices of the Peace, with Morehead & Brown's Digest.

On motion of Mr. Haggard—18. A bill for the benefit of the Clerk of the Cumberland Circuit Court.

On motion of same—19. A bill to remove the Capitol of this State to Louisville.

On motion of Mr. A. Johnson—20. A bill to limit the elections in Callo-way and Marshall counties, to one day.

On motion of Mr. Riley—21. A bill allowing an additional Justice of the Peace in the county of Daviess, who may reside in the town of Owenboro'.

On motion of Mr. B. Stone—22. A bill for the benefit of Edward D. Stockton, Sheriff of Estill county.

On motion of same—23. A bill to establish an additional election precinct in the county of Owsley.

On motion of Mr. L. Combs—24. A bill to exempt the wages of journeymen mechanics and laboring men from garnishment for debt.

On motion of Mr. Harlan—25. A bill to regulate the measurement of coal.

On motion of Mr. Darnaby—26. A bill for the benefit of the Fayette Rifle Company.

On motion of Mr. Cox—27. A bill for the benefit of the Clerk of the Fleming County Court.

On motion of same—28. A bill to incorporate the town of Hillsboro, in Fleming county.

On motion of Mr. Clack—29. A bill for the benefit of Mary D. Cassity, of Fleming county.

On motion of Mr. Mayes—30. A bill to amend the practice in suits in chancery, and for other purposes.

On motion of Mr. Seaton—31. A bill for the benefit of the widow and heirs of James Howe, deceased.

On motion of same—32. A bill for the benefit of John Young, Surveyor of Greenup county.

On motion of same—33. A bill to allow an additional Constable to Greenup county.

On motion to same—34. A bill to incorporate the South Frankfort Bridge Company.

On motion of Mr. Wortham—35. A bill to change the name of Hezekiah Ashley, to that of Hezekiah Carns, and for other purposes.

On motion of same—36. A bill for the benefit of Jediah McLure.

On motion of Mr. Dudley—37. A bill to change the time of holding the August term of the County Court of Hickman county.

On motion of same—38. A bill giving Shadrack Boaz, Ralph McFadden, Thomas W. Smith, Asa W. Clark, and Hugh B. French, Justices of the Peace of Fulton county, each a copy of Morehead & Brown's Digest.

On motion of same—39. A bill to change an election precinct in the county of Hickman.

On motion of Mr. Brown—40. A bill to amend an act, entitled, an act to reduce into one the several acts exempting property from execution, and for other purposes, approved 7th February, 1845.

On motion of same—41. A bill to establish an election precinct in the county of Hardin.

On motion of same—42. A bill to repeal in part, an act, entitled, an act to amend the charter of the Louisville and Elizabethtown Turnpike Company, and Covington and Lexington Turnpike Company, approved February 7, 1845.

On motion of same—43. A bill to confine the voting at the precincts in the county of Hardin, to one day.

On motion of Mr. Howell—44. A bill to amend the law in regard to tavern and tipling houses.

On motion of same—45. A bill for the benefit of the heirs of Ezra Shaver.

On motion of Mr. Mayhall—46. A bill to amend the road laws of this Commonwealth.

On motion of same—47. A bill to amend the County Court system of this Commonwealth.

On motion of same—48. A bill to protect the citizens of this Commonwealth against the mal-practice of fraudulent and pretending physicians.

On motion of Mr. Fallis—49. A bill to change the name of Aurelius Valerion Grigsby, to that of Aurelius Valerion Hall.

On motion of Mr. Sparks—50. A bill to change an election precinct in Harlan county, from the house of John Secrets to the house of John Lewis, in said county.

On motion of Mr. Maxey—51. A bill to change the place of voting at the Bacon creek precinct, in Hart county.

On motion of Mr. Shawhan—52. A bill for the benefit of the devisees of William Logan, deceased.

On motion of Mr. Desha—53. A bill to amend the execution laws.

On motion of Mr. Miller—54. A bill for the benefit of Thomas Stark.

On motion of same—55. A bill changing the mode of punishment in cases of petit larceny.

On motion of same—56. A bill more fully defining the qualifications of electors.

On motion of Mr. Pope—57. A bill for the benefit of John Rogers' children.

On motion of same—58. A bill to exempt hacks from the provisions of the law taxing pleasure carriages.

On motion of Mr. McCampbell—59. A bill to repeal an act, entitled, an act to amend the revenue laws, approved March 10, 1843.

On motion of same—60. A bill to change the place of voting at the Liberty precinct, in Jessamine county.

On motion of Mr. Stevenson—61. A bill to amend the laws for the collection of the revenue.

On motion of same—62. A bill for the benefit of the Lexington and Covington Turnpike Company.

On motion of same—63. A bill to amend the road law of Kenton county.

On motion of Mr. McKellup—64. A bill authorizing the County Court of Lewis to appropriate money for the benefit of Daniel O'Neal and Sarah Graham.

Ordered, That the committee on the Judiciary prepare and bring in the 1st, 2d, 3d, 5th, 11th, 13th, 14th, 18th, 21st, 25th, 29th, 30th, 31st, 34th, 37th, 38th, 39th, 43d, 45th, 47th, 52d, 53d, 56th, 57th, and 64th; the committee on Privileges and Elections the 4th and 50th; Messrs. J. Combs, Botts, and Jones the 6th; Messrs. Duncan, Thurston, and Darnaby the 7th; Messrs. J. Smith, Wortham, Mayhall, and Ford the 8th; Messrs. Brasher, Stevenson, S. Stone, and Root the 9th; Messrs. G. Bowling, E. Smith, and Begley the 10th; Messrs. Root, Stevenson, and Desha the 12th; Messrs. Hunton, B. Stone, and Hatfield the 15th; Messrs. Abbett, Anthony, and Orr the 16th; Messrs. Abbett, Lapsley, and Desha the 17th; Messrs. Haggard, Hardy, Brown, and Barlow the 19th; Messrs. A. Johnson, Mayes, and Dallam the 20th; the committee on Claims the 22d; Messrs. B. Stone, Hunton, and Hatfield the 23d; Messrs. L. Combs, Harlan, Glover, McKellup, and Finnell the 24th; the committee on Military Affairs the 26th; the committee on Ways and Means the 27th, 40th, 44th, 58th, and 59th; Messrs. Cox, Stevenson, and R. C. Bowling the 28th; Messrs. Seaton, Mayhall, Brooks, and Layne the 32d and 33d; Messrs. Wortham, Ford, and Hay the 35th; Messrs. Wortham, J. Smith, and Howell the 36th; Messrs. Brown, J. Smith, and Howell the 41st; the committee on Internal Improvement the 42d and 62d; Messrs. Mayhall, Whitsett, Fallis, and Haggard the 46th; Messrs. Mayhall, Speed, Haggard, and Hunton the 48th; Messrs. Fallis, Myers, and Headley the 49th; Messrs. Maxey, Wortham, and Gardner the 51st; the committee on Religion the 54th; Messrs. Miller, Hardy, and Botts the 55th; Messrs. McCampbell, Reid, and Wallace the 60th; Messrs. Stevenson, L. Combs, J. Speed Smith, Cox, and R. C. Bowling the 61st; and Messrs. Stevenson, Root, and Abbett the 63d.

Mr. Duncan read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That when they adjourn on the 10th day of February next, they will adjourn *sine die*.

Mr. Brown moved the following resolution, viz:

Resolved, That so much of the Governor's message as relates to the issue of small notes by the Banks of Kentucky, be referred to the committee on the Judiciary, with instructions to report a bill authorizing said Banks to issue notes of a smaller denomination than five dollars.

Which was adopted.

Mr. L. Combs, from the committee appointed to prepare and bring in the same, reported a bill concerning the Banks of Kentucky.

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision, and second reading of said bill having been dispensed with, it was referred to the committee on the Judiciary.

Mr. Maxey moved the following resolution, viz:

Resolved, That the President of the Board of Internal Improvement be requested to report to this House the probable cost of three additional Locks and Dams on Green river.

Which was adopted.

Mr. E. Smith moved the following resolution, viz:

Resolved, That the committee on the Sinking Fund be instructed to report, at as early a day of the session as practicable: 1st, The amount necessary to pay the interest due on State bonds issued for purposes of Internal Improvement, including the School Fund, (showing separately, the amount due the School Fund.)

2d. To ascertain, as near as practicable, the amount due to Contractors on public works; if that cannot be accurately ascertained, report the probable amount.

3d. To report the amount of the Sinking Fund, from all sources, for the year 1845.

4th. If the receipts of the Sinking Fund are not equal to its necessary disbursements, report the most practicable and judicious plan, in their opinion, to supply the deficiency and maintain the fiscal credit of the State.

Which was adopted.

Mr. E. Smith moved the following resolution, viz:

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of amending the law limiting actions for the recovery of land by females and their heirs, approved February 7, 1840.

Which was adopted.

Mr. E. Smith moved the following resolution, viz:

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of purchasing Loughborough's Digest, for distribution among the officers of government.

Which was adopted.

Mr. E. Smith moved the following resolution, viz:

Resolved. That the committee on Internal Improvement be instructed to enquire into the expediency of appropriating the unexpended balance of forty thousand dollars, heretofore appropriated to the Crab Orchard and Cumberland Turnpike, to the improvement of the Turnpike road from Crab Orchard to Cumberland Gap, on the Madison fork.

Which was adopted.

Mr. McKellup moved the following resolution, viz:

Resolved, That the committee on Religion be instructed be report unfavorably in all cases of application for divorce, except such as do not come

within the jurisdiction of the Circuit Courts, and where the petitioner has not complied with the law as to notice.

And after some discussion had thereon, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

The House then, according to order, resolved itself into a committee of the whole, on the bill to take the sense of the people of this Commonwealth as to the expediency of calling a convention, Mr. Barlow in the Chair; and after some time spent therein, the Speaker resumed the Chair, when Mr. Barlow reported that the committee had, according to order, had under consideration the bill aforesaid, and had made some progress therein, but not having time to go through with the same, had instructed him to ask leave to sit again; which was granted.

The Speaker laid before the House a communication from the Secretary of State which is as follows, viz:

[For Communication—see *Legislative Documents*.]

And then the House adjourned.

FRIDAY, JANUARY 9, 1846.

A message was received from the Senate, announcing their concurrence in the amendments proposed by this House, to a bill from the Senate, entitled, an act to allow further time to the Sheriff of Pulaski county to return his delinquent list of muster fines.

That they had concurred in the amendments proposed by this House, to a resolution from that, to appoint a committee to examine Transylvania University and the Lunatic Asylum.

That they had passed bills from this House, of the following titles, viz:

An act authorizing the appointment of additional Justices of the Peace for the counties of Muhlenburg and Union.

An act to change the names of Betsey Walton and Mary Ann White.

An act to change the name of Clementine Pinley to Clementine Waterberry.

An act for the benefit of Moses McMillin, of Barren county.

An act to incorporate the town of Mayfield, and for other purposes.

With amendments to the last named bill.

That they had passed bills of the following titles, viz:

An act to change the time of the meeting of the General Assembly.

An act providing for a change of venue in the prosecution against Robert Simmons, in the Allen Circuit Court.

An act to change the Russell and Clinton county line.

An act for the benefit of Philip Lightfoot, Sheriff of Breckinridge county.

An act for the benefit of William Price, of Oldham county.

An act for the benefit of the School Commissioners of Fayette county.

An act to continue in force the 20th section of an act to amend the charters of the Banks of Kentucky, approved 8th March, 1843.

The House resumed the consideration of the resolution proposed on yesterday, by Mr. McKellup.

Mr. Seaton proposed to amend said resolution by making it apply to males alone.

Mr. E. Smith moved to lay said resolution and amendment on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Stevenson and Thurston, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Glenn,	Peters,
Messrs. Alexander,	Gore,	Pope,
Balee,	Haggard,	Priest,
Barkley,	Harlan,	Riley,
Barlow,	Hatfield,	Rodman,
Bowling, R. C.	Head,	Root,
Breeden,	Howell,	Smith, E.
Brown,	Jackson,	Smith, J.
Cessna,	Johnson, D. B.	Smith, J. Speed
Combs, J.	Johnson, A.	Sparks,
Conner,	Kelly,	Stone, B.
Dallam,	Mayhall,	Thomas, A. W.
Dudley,	Maves,	Thomas, W.
Evans,	Miller,	Thurston,
Fallis,	Moore,	Whitlock,
Ford,	Myers,	Wortham—49.
Gardner,		

Those who voted in the negative, were—

Messrs. Abbett,	Elliott,	Orndorff,
Anthony,	Finnell,	Orr,
Barnett,	Gano,	Purdom,
Begley,	Glover,	Railey,
Botts,	Hardy,	Reid,
Bowling, G.	Hay,	Seaton,
Brasher,	Headley,	Shawhan,
Brooks,	Hughes,	Short,

Clack,	Hunton,	Speed,
Clarke,	Lapsley,	Stevenson,
Cleaveland,	Layne,	Stone, S.
Combs, L.	Maxey,	Walker,
Cox,	McCampbell,	Wallace,
Darnaby,	McKellup,	Waller,
Desha,	Mills,	Wheat,
Duncan,	Murray,	Whitsett—48.

A message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that he had approved and signed enrolled bills which originated in this House, of the following titles, viz:

An act to allow an additional Justice of the Peace and Constable to Fulton county.

An act for the benefit of Mary Ann M. Hall, and others.

Approved January 8, 1846.

Mr. Finnell, from the committee on the contested election from the county of Boone, made a report, accompanied with resolutions, which are as follows, viz:

The Select Committee, to whom was referred the petition of JAMES N. STEPHENS, contesting the right of GEORGE W. BRASHER, the member returned to serve in this House from the county of Boone, have had the same under consideration, and beg leave to report: That since their appointment to this trust, they have given it their almost undivided attention. It is needless for this committee to do more than merely allude to the magnitude of this proceeding—involving as it does, one of the cherished rights of free citizens—a just protection and proper vindication of the elective franchise.

The first question presented to your committee, was upon the exception of Brasher to the notice of Stephens, for the reasons:

1st. Because the notice does not specify the names of the voters intended to be attacked by Stephens.

2d. Because the notice fails to set out the particular disqualification of the voter or voters attacked.

The notice of Stephens contains only the names of James Acra, Joseph C. Foster, and Daniel Poland, with such special allegation as to Acra and Foster, as is sufficient, in the opinion of a majority of this committee.

There is in said notice a general clause, charging that "said Judges of said election, at said Court House, and at the various other places of voting in said county of Boone, at the election aforesaid, did receive, enter, record, and count for you, (Brasher,) divers other illegal and improper votes," &c. This allegation, your committee are of opinion, is too general, and the notice, except as to Acra and Foster, was decided bad.

A similar exception was made to the notice of Brasher to Stephens, to attend the sitting of the Commissioners called together by Brasher to take proof in reference to votes cast for Stephens. This notice was in general terms, that A B, &c., who voted for Stephens, were illegal voters. It was urged by the counsel for Brasher, that the same particularity and specialty, is not required of the defendant or person holding the certificate, in giving notice, that the statute requires of the contestor. The committee, however,

are unanimous in the opinion, that whenever the sitting member begins to scan the poll of his opponent, he becomes in fact, to the extent of the investigation under his notice, *the contestor*, and the same specialty is required of him in his notice, that is required of the other party. The committee, therefore, sustained the exception to Brasher's notice. The question was then made by the counsel for Stephens, as to whether the want of specialty in the original notice, had not been waived by the subsequent acts of the parties. A majority are of opinion that there was no waiver.

At this stage of the investigation, a proposition was made by the counsel for Stephens, to waive all objections to the notices, and try the case upon its merits, which proposition was acceded to by Brasher's counsel. The committee then proceeded to read the depositions taken by both parties, embracing a large volume in manuscript, in support of the alleged disqualification of voters—taking up first those charged to be illegal by the petitioner one by one. In like manner those attacked by the sitting member were taken up and disposed of. Upon the question of the legality of some of the voters, your committee were unanimous—upon others divided. Deeming it proper that the opinion of each member of the committee upon each vote shall be known, they have annexed to the decision in each case, the initial of each member voting to sustain or reject the vote attacked. Your committee would be glad to embody in their report, a synopsis of the evidence as to each voter, but it would extend the report beyond a reasonable length. They have, therefore, concluded to state simply the grounds upon which the voters were attacked.

They present, also, an index to the evidence, which will enable the members of the House who may desire to do so, to examine the testimony for themselves.

The following persons who voted for Brasher, have been successfully attacked by Stephens, in the unanimous opinion of the committee :

1. Levi Collins, want of residence.
2. J. McAfferty, want of residence.
3. Wm. Grigsby, of Verona, want of residence.

The following persons who voted for Brasher, have been successfully attacked in the opinion of a majority of the committee, the initials of the names of the members of the committee who sustained the charge of illegality, being annexed :

1. James Acra.—This voter, as the proof shows, went to the polls at a precinct in Boone county, and when asked how he voted, said he voted "the Democratic Ticket"—the question was repeated, and he gave the same response. He remained at the polls for a short time—4 or 5 minutes—two other votes were taken, and he asked the Clerk how he had recorded his vote—the Clerk replied, for Tibbatts and Brasher. Acra said that is not my religion, I intended to vote for Gaines and Stephens—he applied to have his vote changed—the officers refused to do so. F. C. and K. are of opinion that the vote should be stricken off, because they regard the vote as given in that manner no vote at all. The majority, however, are opposed to counting it for Stephens. (*See evidence.*)

2. Larkin Von, F. C. K., want of residence.
3. James Fen Henry, F. C. K., want of residence.
4. James Walker, F. C. K., want of residence.

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| 5. William Daley, | F. C. K., | want of residence. |
| 6. Calvin Lytle, | F. C. K. A., | want of residence. |
| 7. S. McDaniel, | F. C. K. A., | want of residence. |
| 8. Howard Jackson, | F. C. K., | want of residence. |
| 9. Daniel Poland, | F. C. K., | want of residence. |
| 10. John Doyle, | F. C. K., | want of residence. |
| 11. James See, | F. C. K., | want of residence. |

The following persons who voted for Brasher, were in the opinion of a majority of the committee unsuccessfully attacked, the initials of the members of the committee who overruled the objection to the votes annexed :

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| 1. James Lee, | unanimously, | want of residence. |
| 2. M. Ostrander, | | |
| 3. Charles Brown, | | |
| 4. Wm. Grigsby, of Landing, | } Admitted by counsel for Stephens. | |
| 5. A. Jarrett, | | |
| 6. C. J. Roosa, | C. S. A., | want of residence. |
| 7. Wm. Jackson, | unanimously. | want of residence. |
| 8. Hillary Sowther, | K. S. A. | want of residence. |
| 9. Thos. Jackson, | unanimously, | want of residence. |
| 10. Nathan Rives, | F. S. A., | want of residence. |

The following persons who voted for Stephens, have been successfully attacked by Brasher, in the unanimous opinion of the committee :

1. Perry Butts—want of residence.
2. John Walker—want of residence.

The following persons who voted for Stephens, have been successfully attacked by Brasher, with the vote of the committee sustaining the objection annexed :

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| 1. J. Sentony, | C. A. S., | want of residence. |
| 2. Milton Perkins, | C. A. S., | want of residence. |
| 3. S. Bruno, | F. C. A. S., | want of residence. |
| 4. Geo. Smith, | C. A. F., | want of residence. |
| 5. E. G. Collard, | F. C. A. S., | want of residence. |

The following persons who voted for Stephens, have been unsuccessfully attacked by Brasher, to which is annexed the initials of the members of the committee who voted to overrule the objection :

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| 1. J. Hooker, | unanimous, | want of age. |
| 2. J. Sly, | C. K. A. F., | want of residence. |
| 3. Wm. Allen, | F. C. K. S., | want of residence. |
| 4. Wm. D. Snow, | unanimous, | want of residence. |
| 5. Jon. Lower, | F. C. A. K., | want of residence. |
| 6. Ben. J. Cole, | unanimous, | blood and want of age. |
| 7. Jos. Cole, | unanimous, | blood. |
| 8. R. H. Edgar, | F. C. K. A., | want of residence. |
| 9. R. M. Grant, | C. K. F., | want of residence. |

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| 10. N. Emerson, | } | Admitted by Brasher's counsel. |
| 11. J. Shinefelt, | | |
| 12. B. McGlasson, | | |
| 13. D. Craft, | | |
| 14. J. H. McDonald, C. K. F., | | want of citizenship. |
| 15. Dorchester Merrick, unanimous, | | want of citizenship. |

The foregoing decisions, when applied to the vote received, produce the following result:

The poll books give Stephens,	-	-	-	-	-	883
From which deduct bad votes,	-	-	-	-	-	7
						<hr/>
Leaving good votes,	-	-	-	-	-	876
The poll books give Brasher,	-	-	-	-	-	884
Deduct bad votes,	-	-	-	-	-	14
						<hr/>
Leaving good votes,	-	-	-	-	-	870

Leaving a majority for Stephens of 6 votes.

The foregoing is the true result, in the opinion of a majority of the committee.

JOHN W. FINNELL, *Chairman.*
R. F. KELLY,
L. M. COX.

If the votes which the committee unanimously decided to be illegal, be stricken from the poll of each party, they will have each the same number of votes.

A majority concurring, report the following resolutions:

Resolved, That George W. Brasher, who has been returned by the Sheriff of Boone, to have been duly elected a Representative for the said county of Boone, at the last August election, to serve in this House, was not duly elected, at the election aforesaid, a Representative for the said county by the qualified voters of said county.

Be it further resolved, That the petitioner, James N. Stephens, was duly elected a Representative of Boone, at the time aforesaid, by the qualified voters of said county, and that James N. Stephens is entitled to a seat in this House as a member thereof.

Ordered, That said report and resolutions be referred to a committee of the whole, and made the special order of the day for Monday next, and that the Public Printer forthwith print 150 copies thereof for the use of the members of the General Assembly.

On motion of Mr. Glenn,

Ordered, That leave of absence, until Monday next, be granted Mr. Thurston.

Leave was given to bring in the following bills, viz:

On motion of Mr. R. C. Bowling—1. A bill to construct a road from the mouth of Muddy river to Russellville.

On motion of same—2. A bill for the benefit of John Wells.

On motion of Mr. Orndorff—3. A bill to change the name of Thomas Jefferson Gallaher to Thomas Jefferson Drane, and for other purposes.

On motion of Mr. Dallam—4. A bill for the benefit of the County Court of Livingston county.

On motion of Mr. J. Speed Smith—5. A bill to incorporate the Commissioners of the Sinking Fund.

On motion of same—6. A bill further to protect the elective franchise.

On motion of Mr. Peters—7. A bill to prevent the practice of peddling in this Commonwealth.

On motion of same—8. A bill to amend an act, entitled, an act establishing the Court of Appeals.

On motion of same—9. A bill to amend an act, entitled, an act to prevent frauds in the sale of salt, approved 22d January, 1845.

On motion of same—10. A bill to amend an act to establish a special chancery term in Montgomery county.

On motion of Mr. Lapsley—11. A bill to reduce and regulate the rates of tolls upon the Kentucky river.

On motion of Mr. Waller—12. A bill further to amend the laws concerning free negroes, and the escape of slaves from this Commonwealth.

On motion of same—13. A bill extending the jurisdiction of Courts of Chancery on the subject of divorces.

On motion of same—14. A bill for the benefit of the Maysville and Lexington Turnpike Company.

On motion of same—15. A bill for the benefit of C. Shultz & Co.

On motion of same—16. A bill to incorporate the Maysville College.

On motion of Mr. Breeden—17. A bill to allow the City Council of Maysville to appoint an Inspector of weights and measures for the city of Maysville.

On motion of Mr. Finnell—18. A bill for the appointment of a Commissioner to revise and digest the Statute Laws of this Commonwealth.

On motion of same—19. A bill for the benefit of the Carlisle Common School District.

On motion of same—20. A bill to incorporate the Licking River Navigation Company.

On motion of Mr. Botts—21. A bill to repeal an act, entitled, an act to amend the revenue laws, approved March 10th, 1843.

On motion of same—22. A bill the better to protect the estate of deceased persons.

On motion of same—23. A bill to amend the law against unlawful gaming.

On motion of same—24. A bill for the benefit of Nathaniel Wickliffe.

On motion of Mr. Orr—25. A bill for the benefit of Smith Wingate and Charles Horsman, Deputy Sheriffs of Elisha Cobb, late Sheriff of Owen county.

On motion of same—26. A bill for the benefit of Benjamin Haydon and John Fleming.

Ordered, That the committee on Internal Improvement prepare and bring in the 1st and 24th; the committee on Ways and Means the 2d, 4th, and 7th; Messrs. Orndorff, J. Smith, and Whitsett the 3rd; Messrs. J. Speed Smith, Waller, and Hardy the 5th; Messrs. J. Speed Smith, Root, Cox, Stevenson, Balee, Waller, and Hardy the 6th; Messrs. Peters, E. Smith, S. Stone, and Alexander the 8th; the committee on the Judiciary the 9th, 10th, 13th, 14th, 15th, 17th, 21st, 22d, and 23d; Messrs. Lapsley, J. Speed Smith, Hardy, Abbett, and Mason the 11th; Messrs. Waller, J. Speed Smith, Barkley, Cox, Root, and Brooks the 12th; the committee on Education the 16th and 19th; Messrs. Finnell, Cox, Waller, Pope, and Peters the 18th; Messrs. Finnell, Stevenson, Cox, Root, and L. Combs the 20th; Messrs. Orr, Root, and Walker the 25th; and Messrs. Orr, Root, Hatfield, and Anthony the 26th.

Mr. Hay moved the following resolution, viz:

Resolved, That the President of the Board of Internal Improvement report the probable cost of cutting a canal, on Green river, at Lock and Dam No. 3.

Which was adopted.

Mr. Barlow moved the following resolution, viz:

Resolved, That the committee on Internal Improvement be instructed to enquire into the propriety of so amending the law as to exempt flat boats from paying toll in descending the Barren and Green rivers, where such boats start above slackwater navigation; and that they report by bill or otherwise.

Which was adopted.

Mr. Barlow moved the following resolution, viz:

Resolved, That the committee on the Judiciary be instructed to enquire into the propriety and expediency of so amending the law as to authorize the Circuit Judges to grant changes of venue in criminal prosecutions.

Which was adopted.

Mr. Breeden moved the following resolution, viz:

Resolved, That the committee on the Penitentiary be instructed to enquire into the expediency of employing the convicts of this State on the public works, and report to this House by bill or otherwise.

Which was adopted.

Mr. E. Smith moved the following resolution, viz:

Resolved, That the Sargeant-at-Arms be, and he is hereby, authorized and instructed to negotiate, (if he can do so upon fair and honorable terms,) an exchange of the settees and chairs, for some, more suitable to the convenience

of the members, under the sanction of the Treasurer, and First and Second Auditor.

Which was adopted.

Mr. Rodman moved the following resolution, viz:

Resolved, That John W. Clayton have leave to withdraw from the files of this House, all the papers relating to an application made to the last Legislature, by his wife, for a divorce, it appearing to the satisfaction of this House, that the difficulties between him and his wife have been adjusted, and that they are living together harmoniously.

Which was adopted.

Mr. Cleaveland moved the following resolution, viz:

Resolved, That the Board of Internal Improvement be requested to lay before this House, how much money has been appropriated to the public works on Licking river, and how much thereon expended; and that the President of the Board of Internal Improvement report to this House the probable amount necessary to finish the works begun upon Licking; and the probable amount necessary to complete the Locks and Dams to West Liberty.

Which was adopted.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Peters—1. A bill for the benefit of Joseph Botts.

By Mr. Root—2. A bill to incorporate the Licking and Lexington Railroad Company.

By Mr. Barlow—3. A bill for the benefit of Thomas Howser, of Monroe county.

By Mr. A. Johnson—4. A bill for the benefit of William B. Howard.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st and 3d were referred to the committee on the Judiciary; the 2d to the committee on Internal Improvement; and the 4th to the committee on Claims.

The House again resolved itself into a committee of the whole, on the bill to take the sense of the people of this Commonwealth as to the expediency of calling a convention, Mr. Barlow in the Chair; and after some time spent therein, the Speaker resumed the Chair, when Mr. Barlow reported that the committee had, according to order, had under consideration the bill aforesaid, and had made some progress therein, but not having time to go through with the same, had instructed him to ask leave to sit again; which was granted.

And then the House adjourned.

SATURDAY, JANUARY 10, 1846.

A message was received from the Senate, announcing their disagreement to bills from this House, of the following titles, viz:

An act divorcing Alley Martin from her husband.

An act to divorce Joseph Miller from his wife.

That they had passed bills from this House, of the following titles, viz:

An act to change the venue in the prosecutions against Moses Guess, Philip F. Jones, Murray M. Jones, and John P. Salling, from the Edmonson to the Warren Circuit Court.

An act to amend an act to invest the Craddock Fund.

An act for the benefit of the Jailers of Hickman, Oldham, and Livingston counties.

That they had passed bills of the following titles, viz:

An act for the benefit of Thomas McIntyre, of Mercer county.

An act for the benefit of Quintus C. Shanks and Justinian C. Harris, late Sheriffs of Ohio county, and the Sheriff of Muhlenburg county.

1. Mr. Hay presented the petition of sundry citizens of Muhlenburg, Daviess, and Ohio counties, praying the establishment of a new county out of parts of said counties.

2. Mr. Kelly presented the petition Reuben M. Wristen, and others in his behalf, praying that he be permitted to act as a pedler, and sell ardent spirits by retail, without obtaining and paying for a license so to do.

3. Mr. Jackson presented the petition of Susan Garnett, praying to be divorced from her husband, James H. Garnett.

4. Mr. Barkley presented the petition of Cynthia Tadlock, praying the passage of a law authorizing a division of the estate of her deceased husband, Carter Tadlock, in contravention of the provisions of his will.

5. Mr. Anthony presented the remonstrance of sundry citizens of Allen county, against the formation of a new county out of parts of said county and the counties of Barren and Monroe.

6. Mr. Barlow presented the petition of Jesse Gee, praying to be divorced from his wife, Elizabeth Gee.

7. Mr. Hughes presented the petition of Gustavus V. Jones, Robert P. Winston, and William Winston, Jr., praying that certain sums of money paid by them to the State, in locating land, which was taken from them, be refunded to them.

8. Mr. Purdom presented the petition of sundry citizens of Lincoln county, praying the passage of a law allowing them to muster in their neighborhood, instead of attending the Regimental and Battalion musters.

9. Mr. Dudley presented the petition of Benjamin M. Griffith, praying to be divorced from his wife, Mary Ann Griffith.

10. Mr. Priest presented the petition of the Trustees of the town of Henderson, praying the passage of a law allowing them to license Coffee Houses.

11. Mr. Ford presented the petition of Mizeller Crow, praying the passage of a law divorcing her from her husband, Samuel H. Crow.

12. Mr. Moore presented the petition of Benjamin Wathen, Trustee for Elizabeth Wathen, praying the passage of a law permitting him to sell certain property held by him as Trustee aforesaid.

13. The Speaker laid before the House a communication from Thomas O'Kane, upon the subject of the solemnization of marriages.

14. Also, a communication from the Hon. Walker Reid, upon the subject of the removal of the Seat of Justice of Mason county.

15. Also, the petition of sundry citizens of Warren county, praying the passage of a law establishing an election precinct in said county.

16. Mr. Rodman presented the petition of James Coleman, J. W. Bondurant, and James C. Coleman, praying the passage of a law authorizing the sale of certain slaves, held in trust for the benefit of the children of said James Coleman.

Which were received, the reading dispensed with, and referred, the 1st, 2d, 5th, 14th, and 15th to the committee on Propositions and Grievances; the 3d, 6th, 9th, 11th, and 13th to the committee on Religion; the 4th and 16th to the committee on the Judiciary; the 7th to the committee on Claims; the 8th to the committee on Military Affairs; the 10th to the committee on Ways and Means; and the 12th to Messrs. Moore, Botts, and Peters.

The Speaker laid before the House the annual report of the Trustees of the Deaf and Dumb Asylum, which is as follows, viz:

[*For Report—see Legislative Documents.*]

Ordered, That the Public Printer forthwith print 150 copies of said report for the use of the members of the General Assembly.

Mr. Dallam, from the committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act to continue in force for one year, an act for the benefit of Isaiah Heston, late Sheriff of Breckinridge county.

An act continuing in force the law providing for the appointment of Commonwealth's Attorneys.

An act authorizing the County Court of Breckinridge county to change the location of part of the State road leading from Brandenburg to Shawneetown.

An act for the benefit of the Clerk of the Clinton Circuit Court.

An act to change the time of holding the election of Trustees for the town of Cadiz, in Trigg county.

An act to allow further time to the Sheriff of Pulaski county to return his delinquent list of muster fines, and for other purposes.

An act for the benefit of Samuel E. Carpenter.

An act to change the names of William Reynolds and Walker Reynolds, to those of William Cochran and Walker Cockran.

A resolution to examine Transylvania University, Deaf and Dumb Asylum, and Lunatic Asylum.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Dallam inform the Senate thereof.

Mr. Glenn read and laid on the table the following resolutions, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the committee on Printing in each House, be a joint committee, and that the Public Printer be required to furnish said committee with a copy of his account against the State for the last year.

Resolved, That the committee raised for the purpose of examining the subject of Public Printing, shall, by the chairman in each House, proceed to any towns or cities within sixty miles of Frankfort, in order to obtain all the information necessary, in relation to the price of printing, if, in the judgment of the committee, such information can be better obtained in that mode than summoning persons to attend here for that purpose.

The rule requiring joint resolutions to lie one day on the table having been dispensed with, it was twice read and adopted.

Mr. S. Stone moved the following resolution, viz;

Resolved, That the committee of the whole, before the adjournment on this day, be discharged from the further consideration of the bill to take the sense of the people upon the expediency of a call of a convention, and that the same be referred back to the House.

And the question being taken on the adoption of said resolution, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hunton and Haggard, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Anthony,	Hardy,	Peters,
Begley,	Hatfield,	Purdom,
Bowling, G.	Head,	Root,
Brooks,	Headley,	Seaton,
Clack,	Hunton,	Shawhan,
Clarke,	Johnson, A.	Short,
Desha,	Johnson, D. B.	Smith, E.
Dudley,	Layne,	Sparks,
Elliott,	Maxey,	Stone, B.
Ford,	McKellup,	Stone, S.

Gardner,
Glenn,
Haggard,

Mills,
Moore,
Orndorff,

Wheat,
Whitlock,
Whitsett—39.

Those who voted in the negative, were—

Mr. Speaker,
Messrs. Abbett,
Alexander,
Balee,
Barkley,
Barlow,
Barnett,
Botts,
Bowling, R. C.
Brasher,
Breedon,
Brown,
Cessna,
Combs, J.
Combs, L.
Cox,
Dallam,
Duncan,

Evans,
Fallis,
Finnell,
Gano,
Glover,
Gore,
Harlan,
Hay,
Howell,
Hughes,
Jackson,
Kelly,
Lapsley,
Mayhall,
Mayes,
McCampbell,
Miller,

Murray,
Myers,
Orr,
Pope,
Priest,
Railey,
Reid,
Riley,
Rodman,
Smith, J.
Smith, J. Speed
Stevenson,
Thomas, A. W.
Thomas, W.
Walker,
Wallace,
Wortham—52.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Hatfield—1. A bill to repeal the law limiting the Justices of the Peace in Simpson county to ten.

On the motion of Mr. Reid—2. A bill for the benefit of Lemuel Smith and wife.

On the motion of same—3. A bill for the benefit of Thomas Crutcher and his children.

On the motion of Mr. Balee—4. A bill to levy a tax on Insurance Offices, the stock of which is owned by individuals living in other States.

On the motion of same—5. A bill to incorporate the Dialectic Society of Shelby College.

On the motion of same—6. A bill further to secure slaves in custody, when said slaves may sue for their freedom.

On the motion of same—7. A bill as a greater security against the emancipation of slaves.

On the motion of Mr. Glenn—8. A bill further to protect the rights of married women.

On the motion of same—9. A bill to modify the law of 1833, prohibiting the importation of slaves.

On the motion of same—10. A bill to establish a State Bank for purposes of revenue.

On the motion of Mr. S. Stone—11. A bill to amend the law in relation to divorces.

On the motion of Mr. Hughes—12. A bill to authorize the County Court of Union to sell that part of the public square in Morganfield, lying on the North East side of Main street, between the lots of George W. Simpson and Aaron Waller.

On the motion of same—13. A bill to extend the powers and jurisdiction of the Police Judge of the town of Morganfield.

On the motion of same—14. A bill to amend the road law of Campbell county.

On the motion of same—15. A bill to change and re-model the Judicial Districts, so as to equalize the judicial labor of the Circuit Judges.

On the motion of Mr. Mills—16. A bill for the benefit of the County Court of Wayne county.

On the motion of same—17. A bill for an additional Constable to Wayne county.

On the motion of Mr. L. Combs—18. A bill to authorize the Trustee of the Craddock Fund to surrender his trust, and to constitute a permanent Board to manage the fund.

On the motion of same—19. A bill to incorporate the Barren River Navigation and Manufacturing Company, and for other purposes.

On the motion of same—20. A bill authorizing the improvements of streets and alleys in the town of Bowlinggreen, and for other purposes.

On the motion of Mr. E. Smith—21. A bill to repeal an act establishing an election precinct in Whitley county.

On the motion of same—22. A bill for the benefit of John Rose.

On the motion of same—23. A bill to improve the Whitley State road.

Ordered, That Messrs. Hatfield, Anthony, and Hunton prepare and bring in the 1st; the committee on the Judiciary the 2d, 3d, 4th, 6th, 7th, and 16th; Messrs. Balee, Root, and Waller the 5th; Messrs. Glenn, Murray, Root, E. Smith, Whitlock, J. Speed Smith, and Botts the 8th; Messrs. Glenn, R. C. Bowling, Desha, S. Stone, Priest, Wheat, Barnett, and Cleaveland the 9th; Messrs. Glenn, E. Smith, Whitlock, S. Stone, Desha, Barlow, Wheat, J. Speed Smith, and Kelly the 10th; Messrs. S. Stone, Hardy, Wheat, L. Combs, and Shawhan the 11th; Messrs. Hughes, R. C. Bowling, and Alexander the 12th; Messrs. Hughes, Mason, and Alexander the 13th; Messrs. Hughes, Root, and Cox the 14th; Messrs. Hughes, J. Speed Smith, Dallam, Cox, Pope, Hardy, and Elliott the 15th; Messrs. Mills, Miller, Wheat, and Barlow the 17th; the committee on Education the 18th; the committee on Internal Improvement the 19th and 23d; the committee on Propositions and Grievances the 20th; the committee on Privileges and Elections the 21st; and Messrs. E. Smith, Brawner, and Sparks the 22d.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. J. Speed Smith—1. A bill for the benefit of the Sheriff of Perry county.

By the committee on Claims—2. A bill for the benefit of Lois Smallwood.

By same—3. A bill for the benefit of Common School District, No. 23, in Caldwell county.

By same—4. A bill for the benefit of John Watt, John Honaker, and William Floyd.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2d, and 3d were severally ordered to be engrossed and read a third time, and the 4th was referred to the committee on the Judiciary.

The rule of the House, constitutional provision and third reading of the 1st, 2d and 3d bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. Harlan, from the committee on the Judiciary, to whom was referred the bill concerning the Banks of Kentucky, reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Harlan, from the same committee, to whom was referred the bill to reduce the salaries of the Circuit Judges of this Commonwealth, and for other purposes, reported the same without amendment.

Ordered, That said bill be made the special order of the day for Monday, the 19th instant.

The Speaker laid before the House the annual report of the Board of Internal Improvement, which is as follows, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT, }
January 10, 1846. }

SIR:

I herewith lay before you the annual report of the Board of Internal Improvement, and have the honor to be, with great respect, yours, &c.

THOMAS METCALFE, P. B. I. I.

To the Hon. J. R. UNDERWOOD,

Speaker of the House of Representatives.

[For Report—see *Legislative Documents*.]

Ordered, That said report be referred to the committee on Internal Improvement, and that the Public Printer forthwith print 150 copies of said report for the use of the members of the General Assembly.

The House again resolved itself into a committee of the whole, on the bill to take the sense of the people of this Commonwealth as to the expediency of calling a convention, Mr. Barlow in the Chair; and after some time spent therein, the Speaker resumed the Chair, when Mr. Barlow reported that the committee had, according to order, had under consideration the bill aforesaid, and had made some progress therein, but not having time to go through with the same, had instructed him to ask leave to sit again; which was granted.

And then the House adjourned.

MONDAY, JANUARY 12, 1846.

A message was received from the Senate, announcing that they had passed a bill from this House, entitled, an act for the benefit of the County Court of Russell, with amendments.

And had passed bills of the following titles, viz:

An act to regulate the terms of the Christian County Court.

An act for the benefit of Elijah McWhorter, of Clay county, and William J. Mayo, of Floyd county.

An act to amend the charter of the Glasgow and Scottsville Turnpike Road Company.

1. Mr. Cox presented the petition of sundry citizens of Fleming county, praying a change of the location of certain toll gates on the Maysville, Paris, and Lexington Turnpike Road.

2. Mr. L. Combs presented the petition of James A. Grinstead, Clerk of the Fayette County Court, praying the passage of a law authorizing the recording of deeds left unrecorded by Clerks removed from office.

3. Mr. Barkley presented the petition of the Trustees of the town of Danville, praying an amendment to the charter of said town.

4. Mr. J. Speed Smith presented the petition of Nancy Easton, praying the passage of a law authorizing a sale of certain slaves, held in trust for her use and benefit.

5. Mr. Hunton presented the remonstrance of sundry citizens of Montgomery county, against the change of the place of voting in an election precinct in said county.

6. Mr. Layne presented the petition of Hilliard Williamson, and others in his behalf, praying a change in the line between Floyd and Pike counties, and the remonstrance of sundry citizens of Floyd county, against such change.

7. Mr. Myers presented the petition of the President of the Covington and Lexington Turnpike Road Company, praying the passage of a law authorizing the company to issue certificates of stock, upon certain conditions.

8. Mr. Hughes presented the petition of sundry citizens of Union county, praying the passage of a law establishing a new Judicial District.

9. Also, the petition of sundry citizens of Union county, praying that the voting at the several precincts in said county, be limited to one day.

10. Also, the petition of Ambrose Wilson, administrator of John Rice, deceased, praying the passage of a law authorizing the sale of the real estate of said deceased.

11. Also, the petition of sundry citizens of the town of Morganfield, praying an amendment to the laws in relation to said town.

12. Mr. Whitsett presented the petition of sundry citizens of Adair, Barren, Green, and Cumberland counties, praying the establishment of a new county out of parts thereof.

13. Mr. Barlow presented the petition of Edmund Payne, praying a change of venue in the prosecution against him in the Monroe Circuit Court, for passing counterfeit money.

14. Mr. Brown presented the petition of sundry citizens of Hardin county, praying the establishment of a new county out of parts of said county, and Jefferson and Bullitt counties.

15. Mr. J. Speed Smith presented the petition of George W. Newman, and others, praying the passage of a law legalizing the marriage between George W. Newman and Amanda M. Watson, and for other purposes.

16. Mr. Lapsley presented the petition of James Ross, praying the passage of a law prohibiting the sale of spirituous liquors without license.

17. Mr. Harlan presented the petition of Joseph and Susan Sames, praying to be divorced from each other.

18. Mr. Stevenson presented the petition of sundry citizens of Kenton county, praying an amendment to the charter of the Bank Lick Turnpike Road Company.

19. Also, the petition of sundry citizens of Kenton county, praying the passage of a law incorporating a company to construct a bridge across the Ohio river, opposite the city of Covington.

20. Mr. Brooks presented the petition of Thomas Brierly, praying to be divorced from his wife, Frances Brierly.

Which were received, the reading thereof dispensed with, and referred, the 1st, 7th, 18th, and 19th to the committee on Internal Improvement; the 2d, 3d, 4th, 8th, 10th, 11th, 13th, and 15th to the committee on the Judiciary; the 5th and 9th to the committee on Privileges and Elections; the 6th, 12th, 14th, and 16th to the committee on Propositions and Grievances; and the 17th and 20th to the committee on Religion.

The Speaker appointed Messrs. Hughes, Breeden, Balee, Anthony and Whitsett, the committee to examine Transylvania University, Deaf and Dumb Asylum, and Lunatic Asylum.

The Speaker laid before the House the report of the Trustees of the Cumberland Hospital, which is as follows, viz:

SMITHLAND, KY., JANUARY 6, 1846.

SIR: Please lay the enclosed report before the House over which you preside, and oblige your obedient servant,

WM. GORDON.

HON. JOSEPH R. UNDERWOOD,

Speaker of the House of Representatives.

Report of the Trustees of the Cumberland Hospital, to the General Assembly of the Commonwealth of Kentucky, January 1, 1846.

CUMBERLAND HOSPITAL,	CR.
By the annual legislative appropriation for 1845,	\$1,500 00
Cash from United States Treasury, - - -	1,108 50
Cash from deceased persons, - - -	6 75
	<hr/> \$2,615 25

CUMBERLAND HOSPITAL,	DR.
To this sum paid Keeper, balance due, as per last report, - - -	\$ 209 17
To Thos. McCormick, for boarding and attendance on sick, 474 weeks, at \$3 50 per week, - - -	1,659 00
To same, for washing 299 dozen, at 50 cents, - - -	149 50
To same, for 14 burials, - - -	84 00
To same, for repairing fire places and white washing Hospital, - - -	12 00
To D. B. Sanders, M. D., for medical attendance one year, - - -	300 00
To Rupert & Lindemberger, for medicine, - - -	39 00
To Wm. Smedley & Co., for blankets, chambers, &c., - - -	33 63
To cash paid for quinine, - - -	15 00
To Wm. Gordon, for his bill for musquito bars, sheets, wine, soap, beeswax, tallow, &c. &c. &c., - - -	85 34
	<hr/> \$2,586 64
Balance in favor of Hospital, - - -	<hr/> \$ 23 61

After defraying all the expenses of the Institution, there is remaining twenty eight dollars and sixty one cents. The usual annual appropriation of *fifteen hundred dollars*, together with the sum expected from the United States Treasury will, we presume, be sufficient to defray the expenses of the Institution for the present year.

There have been received into the Hospital, for the past year, one hundred and thirty three patients, including those remaining on the first day of January, 1845; out of which, there have been fourteen deaths; nine now remaining, and the balance, say one hundred and ten, discharged cured.

The Hospital has been well attended to by the Keeper, and the sick and disabled have had the joint attention of Doctors Sanders & Winston.

Respectfully submitted,

WM. GORDON,
J. W. MILLS,
WM. SMEDLEY,
JAS. L. DALLAM.

Trustees of the Cumberland Hospital.

Ordered, That said report be referred to the committee on Claims.

The Speaker laid before the House the annual report of the President and Directors of the Louisville and Portland Canal Company, which is as follows, viz:

Twenty-first annual report of the President and Directors of the Louisville and Portland Canal Company.

The balance in the Treasury as shown by the last report, was appropriated in the purchase of shares, and 771 shares were taken, as authorized by a resolution of the Stockholders, and the amount charged in the general account of the Company, which is as follows:

Louisville and Portland Canal Company in General Account:

DEBITS.

Balance of cash on hand January 1st, 1845,	-	-	\$113,490 78
Received for Canal tolls in 1845, -	-	-	138,291 17
			<hr/>
			\$251,781 95

CREDITS.

Paid for 771 shares of the stock of the Company, -	-	\$129,528 00
Paid expenses on the Canal, -	-	20,197 54
Paid incidental expenses, of salaries, law and office charges, -	-	1,892 32
Balance of cash in the Treasury, -	-	100,164 09
		<hr/>
		\$251,781 95

The balance on hand will be immediately appropriated in the purchase of about 665 shares of stock, as authorized by Act of Assembly, which added to those purchased in three previous years, will make the United States virtually the owners of 5,353 shares, leaving but 4,647 shares to be hereafter liquidated.

The annexed table shows the number and tonnage of boats that have passed through the Canal since its commencement. The severity of the weather during the month of December, has caused the navigation to be obstructed with ice, and a consequent diminution of the tolls, which otherwise would have exceeded those of the last year.

Respectfully submitted,

JAMES MARSHALL, *President.*

Office of the Louisville and Portland Canal Company, Dec. 31st, 1845.

S. S. GOODWIN, *Secretary.*

Abstract of the Boats that have passed, and tolls received on the Louisville and Portland Canal.

Year.	Steam Boats.	Flat and Keel Boats.	Tons.	Amount received.
1831	406	421	76,323	\$12,750 77
1832	453	179	70,109	25,756 12
1833	875	710	169,885	60,736 92
1834	938	623	162,000	61,848 17
1835	1,256	355	200,413	80,165 24
1836	1,182	260	182,220	88,343 23
1837	1,501	165	242,374	145,424 69
1838	1,058	438	201,750	121,107 16
1839	1,666	578	300,406	180,364 01
1840	1,231	392	224,841	134,904 55
1841	1,031	309	189,907	113,944 59
1842	983	183	172,755	95,005 10
1843	1,206	88	232,264	107,274 65
1844	1,476	168	304,384	140,389 97
1845	1,585	394	318,741	138,291 17
	16,817	5,263	3,048,692	\$1,506,306 34

At a meeting of the Stockholders of the Louisville and Portland Canal Company, at their office in the city of Louisville, January 5, 1846, the report of the President and Directors was received and ordered to be printed.

The following persons were then duly elected President and Directors for the present year:

JAMES MARSHALL, *President.*

SIMEON S. GOODWIN,

JOHN HULME,

RICHARD RONALDSON,

PETER HULME,

} *Directors.*

Whereas the individual Stockholders in this company have offered to sell and transfer to the Company, proportions of their stock, under the conditions of the amended Charter of the Company, as adopted by the Stockholders at their meeting on the 4th of July, 1842:

Resolved, That the Board of President and Directors proceed to purchase the number of shares that the net income of the Company will warrant, by taking from each individual Stockholder the number of shares he is entitled to sell under the arrangement adopted by the Stockholders.

JAMES MARSHALL, *Chairman*.

[*Extract from the Minutes.*]

S. S. GOODWIN, *Secretary*.

The Speaker laid before the House a communication from the Secretary of State, which is as follows, viz :

[*For Communication—see Legislative Documents.*]

Ordered, That said communication be referred to the committee on the Sinking Fund.

The Speaker laid before the House some depositions in relation to the charges preferred against George W. Kouns, a Justice of the Peace in Carter county.

Ordered, That said depositions be referred to Messrs. Cox, Stevenson, and Desha.

A message was received from the Governor, by Mr. Hardin, Secretary of State, which is as follows, viz

Gentlemen of the House of Representatives :

I herewith return, with my objections, a bill that originated in the House of Representatives, and which, after passing both Houses, was presented to me for approval, entitled, "an act for the benefit of William T. Samuels."

The bill provides: "That it may be lawful for any of the Judges of the Circuit Courts, or Justices of the County Courts within this Commonwealth, to appoint William T. Samuels to the office of Clerk thereof," &c.

I object to this provision, because it implies that William T. Samuels may be lawfully appointed Clerk of any Circuit or County Court, without his producing, at the time of appointment, such certificate of his qualification as is required by the constitution, and even without regard to the fact whether there is, or is not, a vacancy in the office of Clerk to which he may be appointed.

WM. OWSLEY.

Ordered, That the further consideration of said message be postponed till Saturday next.

Mr. Stevenson, from the minority of the committee on the contested election from Boone county, made a counter report, which is as follows, viz :

The undersigned, constituting a minority of the committee to whom was referred the petition of James N. Stephens, contesting the election of George W. Brasher, as a Representative upon this floor from the county of Boone, would respectfully report:

That they concur with the report of the majority of said committee, in sustaining the exceptions offered by the counsel of Brasher, to the notice of Stephens, as to all the votes contested by Stephens, except Acra's; and they also concurred with the majority of said committee, in sustaining the exceptions offered by the counsel of Stephens, to the notice of Brasher, as to all the votes of Stephens, contested by Brasher, for the reasons set out in the report of the majority. The undersigned did not concur with the majority in thinking that the notice of Stephens was sufficiently explicit as to Foster's vote; but as the committee determined, upon other grounds, to exclude the question of Foster's right to vote, it is unnecessary to dwell upon it. The undersigned concurred with the majority in thinking that the votes of Levi Collins, J. McAfferty, and William Grigsby, of Verona, all of whom voted for Brasher, were bad, and should be stricken from his poll; and one of the undersigned, (Mr. Abbett,) concurred with the majority in thinking that the votes of Calvin Lytle and S. McDaniel, upon Brasher's poll, were also bad, and should be stricken from Brasher's poll. The undersigned also concurred with the majority of said committee, in thinking that the votes of Perry Butts, John Sentony, S. Bruno, G. Smith, E. G. Collard, Milton Perkins, and John Walker, who voted for Stephens, were bad, and should be stricken from Stephens' poll.

The undersigned were constrained to differ from a majority of the committee in thinking the following votes, viz: Acra, Larkin Vaughan, James Fen Henry, James Walker, Howard Jackson, Daniel Poland, John Doyle, and James See, who voted for Brasher, were bad, and were opposed to striking them from Brasher's poll; and one of the undersigned, (J. W. Stevenson,) was opposed to striking from Brasher's poll, the vote of J. McDaniel.

The undersigned, also, were constrained to differ with a majority of said committee in thinking that the votes of R. M. Grant and J. H. McDonald, who voted for Stephens, were good. They think that both of these votes should be stricken from Stephens' poll.

The undersigned concur with the majority of the committee in the remainder of the report made by them. Had the votes of the undersigned prevailed in committee, the following would have been the result:

The poll book gives Stephens,	-	-	-	-	-	883
From which deduct,	-	-	-	-	-	9
						<hr/> 874
						<hr/>
The poll book gives Brasher,	-	-	-	-	-	884
From which deduct,	-	-	-	-	-	5
						<hr/> 879
						874
						<hr/>
Majority for Brasher,	-	-	-	-	-	5
						<hr/>

In the view of the undersigned, some interesting and difficult legal questions have arisen in the investigation of the merits of this controversy—questions which have been enhanced in interest, not less by their novelty

than by their intrinsic importance. Although after a patient and laborious investigation of each and all of them, the committee have been brought to different results, it affords the minority great pleasure to declare, as their belief, that those differences have been the result alone of an honest, impartial, and independent exercise of their individual judgments.

The undersigned have not space within the limits of a hurried report like this, to notice specifically, each and all of these legal questions, as they have arisen, or even to state, in this report, the questions themselves. Nor do they deem it necessary. They will be separately and distinctly stated, when the report shall come up for discussion in the House, when each and every member of the committee will have an opportunity of presenting his views.

The undersigned having stated the result at which they have been forced to arrive, would, in conclusion, commend to the House, the settlement and decision of these important questions, in the same cool, impartial, and unbiassed spirit which marked the committee in their investigation, and they can but hope and believe, when taken up and acted on in this spirit, their decision upon each and all of them, will prove a safe precedent in after years, to which reference can be had when similar contests shall hereafter arise, and serve as another and stronger bulwark around the elective franchise.

All of which is respectfully reported,

H. J. ABBETT,
J. W. STEVENSON.

As a substitute for the resolution of the majority of the committee, the minority would offer the following resolution:

Resolved, That George W. Brasher, who has been returned by the Sheriff of Boone, to have been duly elected a Representative for said county of Boone, was duly elected a Representative, and is entitled to hold his seat on this floor.

On the motion of Mr. J. Speed Smith, leave was given to bring in a bill to incorporate the Commissioners of the Sinking Fund.

Ordered, That the committee of the Sinking Fund prepare and bring in the same.

Mr. Cox moved the following resolution, viz:

Resolved, That the Board of Internal Improvement report to this House, as soon as practicable, what appropriations have been made to works of Internal Improvement, upon condition that a portion of the necessary fund for such works should be raised by county appropriations and individual subscriptions; stating the location of such works, the amount raised by county appropriations and individual subscription, the proportion to be paid by the State, and how much has been paid, and how much is still due to such works respectively.

Which was adopted.

Mr. Haggard moved the following resolution, viz:

Resolved, That the committee on Banks be required to visit the Blind Asylum, at Louisville, and report the condition of the same to this House; and also, ascertain in what manner the appropriation made to that Institu-

tion, at the last session of the Legislature, was expended, and report the same to this House.

Which was adopted.

Mr. Haggard moved the following resolution, viz:

Resolved, That the committee appointed to examine the Lunatic Asylum, be instructed to ascertain, if possible, in what manner the appropriation made that Institution, at the last session of the Legislature, has been expended.

Which was adopted.

Mr. Harlan, from the committee on the Judiciary, to whom was referred the petition of John Duerson, asked to be discharged from the further consideration thereof; which was granted.

Ordered, That said petition be referred to the committee on Ways and Means.

Mr. Harlan, from the same committee, to whom was referred leave to bring in a bill for the benefit of Harriet Stroude and her children, asked to be discharged from the further consideration thereof; which was granted.

Ordered, That said leave be referred to the committee on Ways and Means.

Mr. Harlan, from the same committee, to whom was referred the bill for the benefit of Gideon S. and Mary Susan Mims, infant heirs of Gideon Mims, Jr., deceased, reported the same with an amendment.

Which was concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision, and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as afore-said.

Mr. Harlan, from the same committee, to whom was referred bills from the Senate, of the following titles, viz:

An act for the benefit of Jonathan T. Moredock.

An act to authorize the County Court of Barren county to change the location of the Poor House in said county.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed,

Resolved, That the same do pass, and that the titles thereof be as afore-said.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. J. Speed Smith—1. A bill to regulate the right of suffrage, and to protect the elective franchise.

By same—2. A bill to amend the law regulating the taking of depositions.

By Mr. Stevenson—3. A bill incorporating the Covington and Cincinnati Bridge Company.

By the committee on the Judiciary—4. A bill for the benefit of the infant heirs of G. W. Wall, deceased.

By same—5. A bill to amend an act providing for a change of venue in the prosecution against Joseph N. Allen, approved January 22, 1845.

By same—6. A bill to change the venue in the prosecution against Amon C. Hale.

By same—7. A bill for the benefit of Milton King, Clerk of the Cumberland County and Circuit Courts.

By same—8. A bill for the benefit of Urban E. Kennedy and Achsah H. Kennedy, of Todd county.

By same—9. A bill for the benefit of the heirs of Elisha Franklin, deceased.

By same—10. A bill for the benefit of the heirs of Hubbard B. Smith, deceased.

By same—11. A bill to incorporate the South Frankfort Bridge Company.

By same—12. A bill for the relief of Edmund Payne.

By same—13. A bill establishing a chancery term of the Montgomery Circuit Court.

By the committee on Ways and Means—14. A bill to tax duelling pistols, bowie knives, and other deadly weapons.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, (except the 11th,) the 1st was referred to the committee on Privileges and Elections; the 2d and 14th to the committee on the Judiciary; the 3d to the committee on Internal Improvement; and the 4th, 5th, 6th, 7th, 8th, 9th, 10th, 12th, and 13th were severally ordered to be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the 4th, 5th, 6th, 7th, 8th, 9th, 10th, 12th, and 13th bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. E. Smith moved that the further consideration of the report of the committee on the contested election from the county of Boone, and the report of the minority of said committee, be postponed until to-morrow; and that the Public Printer forthwith print 150 copies of the report of the minority, for the use of the members of the General Assembly.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. E. Smith and Hughes, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker,	Gore,	Murray,
Messrs. Anthony,	Haggard,	Myers,
Barlow,	Hardy,	Peters,
Begley,	Hatfield,	Pope,
Botts,	Head,	Priest,
Bowling, G.	Headley,	Purdum,
Browner.	Howell,	Railey,
Brown,	Hughes,	Root,
Cessna,	Hunton,	Shawhan,
Clarke,	Johnson, D. B.	Short,
Cleaveland,	Johnston, A.	Smith, E.
Combs, J.	Lapsley,	Sparks,
Conner,	Layne,	Speed,
Desha,	Mayes,	Stevenson,
Dudley,	Maxey,	Stone, S.
Elliott,	Mills,	Thomas, A. W.
Gardner,	Miller,	Thomas, W.
Glenn,	Moore,	Whitlock—55.
Glover,		

Those who voted in the negative, were—

Messrs. Abbett,	Ford,	Riley,
Alexander,	Finnell,	Rodman,
Balee,	Harlan,	Seaton,
Barkley,	Hay,	Smith, J.
Bowling, R. C.	Jackson,	Smith, J. Speed
Brooks,	Jones,	Stone, B.
Clack,	Kelly,	Wallace,
Combs, L.	Mayhall,	Waller,
Cox,	McC Campbell,	Wheat,
Dallam,	McKellup,	Whitsett,
Duncan,	Orndorff,	Wortham—34.
Evans,		

The House again resolved itself into a committee of the whole, on the bill to take the sense of the people of this Commonwealth as to the expediency of calling a convention, Mr. Barlow in the Chair; and after some time spent therein, the Speaker resumed the Chair, when Mr. Barlow reported that the committee had, according to order, had under consideration the bill aforesaid, and had adopted sundry amendments thereto, which he handed in at the Clerk's table.

The said amendments were then concurred in.

The said bill, as amended, reads as follows, viz:

WHEREAS, it is represented to this General Assembly, that many of the good people of this Commonwealth, do verily believe that experience has pointed out the necessity of amending the Constitution thereof—therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That it shall be the duty of the Sheriffs and other returning officers of this State, at the next general election which shall be held for Representatives, after the passage of this act, to open a poll for, and make a return to the Secretary of State, for the time being, of the names of all those persons entitled to vote for Representatives, who have voted for the calling of a Convention, in such manner and form as prescribed by the Constitution and Laws; and it shall be the duty of the officers conducting the elections, to say to each voter, if he shall not announce his vote, that a poll is opened to enable him to vote for the call of a Convention.

SEC. 2. *Be it further enacted*, That any Sheriff failing to perform his duty according to the provisions of this act, shall be subject to a fine of five hundred dollars, to be recovered by action of debt, by any person suing for the same, in any Court in this Commonwealth having jurisdiction of the same, one half to the use of the person suing, the other half to the use of the Commonwealth.

SEC. 3. *Be it further enacted*, That it shall be the duty of the several Sheriffs of this Commonwealth, to read, or cause to be read, this act, at their several places of voting in their respective counties and precincts, at the opening of the polls.

SEC. 4. *Be it further enacted*, That any person who shall cast his vote for the calling of a Convention, under the provisions of this act, such person not being entitled to vote for Representative in the county in which he shall so cast his vote, shall be, and is hereby, made liable to all the pains and penalties now by law imposed upon persons illegally voting.

The question was then taken on engrossing said bill and reading it a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. E. Smith and McKellup, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Anthony,	Finnell,	Mills,
Barlow,	Gardner,	Murray,
Begley,	Glenn,	Peters,
Bowling, G.	Glover,	Pope,
Brasher,	Haggard,	Purdom,
Brawner,	Hardy,	Root,
Brown,	Hatfield,	Shawhan,
Brooks,	Head,	Short,
Cessna,	Headley,	Smith, E.
Clack,	Howell,	Sparks,
Clarke,	Hughes,	Speed,
Cleaveland,	Hunton,	Stevenson,
Combs, J.	Johnson, D. B.	Stone, B.
Conner,	Johnston, A.	Stone, S.
Cox,	Lapsley,	Thomas, W.
Desha,	Layne,	Wheat,
Dudley,	Mayes,	Whitlock,
Elliott,	Maxey,	Whitsett—56.
Fallis,	McKellup,	

Those who voted in the negative, were—

Mr. Speaker,	Ford,	Orndorff,
Messrs. Abbett,	Gano,	Priest,
Alexander,	Gore,	Reid,
Balee,	Harlan,	Riley,
Barkley,	Hay,	Rodman,
Botts,	Jackson,	Seaton,
Bowling, R. C.	Jones,	Smith, J.
Breeden,	Kelly,	Smith, J. Speed
Combs, L.	Mayhall,	Thomas, A. W.
Dallam,	McC Campbell,	Thurston,
Darnaby,	Miller,	Wallace,
Duncan,	Moore,	Waller,
Evans,	Myers,	Wortham—39.

At 10 o'clock, P. M., Mr. Harlan moved an adjournment.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Cox and Haggard, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker,	Ford,	Orndorff,
Messrs. Abbett,	Gore,	Priest,
Botts,	Harlan,	Reid,
Breeden,	Jackson,	Riley,
Combs, L.	Kelly,	Seaton,
Dallam,	Mayhall,	Smith, J.
Darnaby,	McC Campbell,	Thurston,
Duncan,	Miller,	Wallace,
Evans,	Myers,	Wortham—27.

Those who voted in the negative, were—

Messrs. Alexander,	Finnell,	Moore,
Anthony,	Gano,	Murray,
Balee,	Gardner,	Peters,
Barkley,	Glenn,	Pope,
Barlow,	Glover,	Purdum,
Begley,	Haggard,	Railey,
Bowling, G.	Hardy,	Rodman,
Bowling, R. C.	Hatfield,	Root,
Brasher,	Hay,	Shawhan,
Brawner,	Head,	Short,
Brown,	Headley,	Smith, E.
Brooks,	Howell,	Smith, J. Speed
Cæssna,	Hughes,	Sparks,
Clack,	Hunton,	Speed,
Clarke,	Johnson, D. B.	Stevenson,
Cleaveland,	Johnston, A.	Stone, B.
Combs, J.	Jones,	Stone, S.
Conner,	Lapsley,	Thomas, A. W.

Cox,
Desha,
Dudley,
Elliott,
Fallis,

Layne,
Mayes,
Maxey,
McKellup,
Mills,

Thomas, W.
Waller,
Wheat,
Whitlock,
Whitsett—69.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Evans and Hughes, were as follows, viz :

Those who voted in the affirmative, were—

Messrs. Anthony,
Barlow,
Begley,
Bowling, G.
Brasher,
Brawner,
Brown,
Brooks,
Cessna,
Clack,
Clarke,
Cleveland,
Combs, J.
Conner,
Cox,
Desha,
Dudley,
Elliott,
Fallis,

Finnell,
Gardner,
Glenn,
Glover,
Haggard,
Hardy,
Hatfield,
Head,
Headley,
Howell,
Hughes,
Hunton,
Johnson, D. B.
Johnston, A.
Lapsley,
Layne,
Mayes,
Maxey,
McKellup,

Mills,
Murray,
Peters,
Pope,
Purdum,
Railey,
Root,
Short,
Smith, E.
Sparks,
Speed,
Stevenson,
Stone, B.
Stone, S.
Thomas, W.
Wheat,
Whitlock,
Whitsett—56.

Those who voted in the negative, were—

Mr. Speaker.
Messrs. Abbett,
Alexander,
Balee,
Barkley,
Botts,
Bowling, R. C.
Breedon,
Combs, L.
Dallam,
Darnaby,
Duncan,
Evans,
Ford,

Gano,
Gore,
Harlan,
Hay,
Jackson,
Jones,
Kelly,
Mayhall,
McCampbell,
Miller,
Moore,
Myers,
Orndorff,

Priest,
Reid,
Riley,
Rodman,
Seaton,
Shawhan,
Smith, J.
Smith, J. Speed
Thomas, A. W.
Thurston,
Wallace,
Waller,
Wortham—40.

Resolved, That the title thereof be as aforesaid.

And then the House adjourned.

TUESDAY, JANUARY 13, 1846.

A message was received from the Senate, announcing that they had adopted a resolution fixing a day for the adjournment of the General Assembly.

And that they had passed bills of the following titles, viz:

An act to change the name of George W. Sowder to George W. Haley.

An act to change the names of Amanda Jane Hinds, and others, and for other purposes.

1. Mr. Reid presented the petition of Rebecca Garret, praying the passage of a law authorizing a sale of the real estate and slaves left by her deceased husband.

2. Mr. Cox presented the petition of J. D. Taylor, praying that he be permitted to retail spirituous liquors, upon his paying for a license so to do.

3. Mr. Jones presented the remonstrance of sundry citizens of Jefferson county, against the formation of a new county out of parts of said county and the counties of Hardin, Meade, and Bullitt.

4. Mr. J. Combs presented the remonstrance of sundry citizens of Bullitt county, against the formation of a new county out of said county and the counties of Hardin, Jefferson, and Meade.

5. Mr. Desha presented the petition of sundry citizens of Nicholas county, praying that they be added to the county of Harrison.

6. Mr. Finnell presented the petition of sundry citizens of Scott county, praying an amendment to the militia laws.

7. Mr. Haggard presented the remonstrance of sundry citizens of Cumberland county, against the formation of a new county out of part of said county and the counties of Barren, Green, and Adair.

Which were received, the reading dispensed with, and referred, the 1st, to the committee on the Judiciary; the 2d to the committee on Ways and Means; the 3d, 4th, 5th, and 7th to the committee on Propositions and Grievances; and the 6th to the committee on Military Affairs.

Mr. Harlan, from the committee on the Judiciary, to whom was referred the petition of some of the Justices of the Peace in Monroe county, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Harlan, from the same committee, to whom was referred the petition of John Moss, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Mr. Dudley moved to amend said resolution by striking out the words "be rejected," and insert "is reasonable."

And the question being taken thereon, it was decided in the negative.

The said resolution was then concurred in.

Mr. Clarke presented the petition of the bar and officers of the Court of Caldwell county, praying for the formation of a new Judicial District.

Which was received, the reading dispensed with, and referred to Messrs. Hughes, J. Speed Smith, Dallam, Cox, Pope, Hardy, and Elliott.

Mr. Harlan, from the committee on the Judiciary, to whom was referred the petition of sundry citizens of Daviess county, praying that Archy Milan, a free man of color of Daviess county, who married a free woman of color in Indiana, may be permitted to bring his wife into this State, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Mr. Riley moved to amend said resolution by striking out the words "be rejected," and inserting "is reasonable."

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Brown and E. Smith, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Howell,	Riley,
Messrs. Alexander,	Hughes,	Smith, E.
Cessna,	Layne,	Smith, J.
Clarke,	Mayhall,	Wortham—12.

Those who voted in the negative, were—

Messrs. Abbott,	Gano,	Orr,
Barkley,	Gardner,	Peters,
Barlow,	Glenn,	Pope,
Begley,	Gore,	Priest,
Botts,	Haggard,	Purdom,
Bowling, G.	Harlan,	Railey,
Bowling, R. C.	Hardy,	Reid,
Brasher,	Hatfield,	Rodman,
Brawner,	Hay,	Root,
Brown,	Head,	Seaton,
Brooks,	Headley,	Shawhan,
Clack,	Hunton,	Smith, J. Speed
Cleaveland,	Jackson,	Sparks,
Combs, J.	Johnson, D. B.	Speed,
Combs, L.	Johnston, A.	Stevenson,
Conner,	Jones,	Stone, B.
Cox,	Kelly,	Stone, S.
Dallam,	Lapsley,	Thomas, A. W.
Darnaby,	Mayes,	Thomas, W.
Desha,	Maxey,	Thurston,

Dudley,
Duncan,
Elliott,
Evans,
Fallis,
Ford,
Finnell,

McCampbell,
McKellup,
Mills,
Moore,
Murray,
Myers,
Orndorff,

Walker,
Wallace,
Waller,
Wheat,
Whitlock,
Whitsett—80.

The said resolution was then concurred in.

Mr. Harlan, from the same committee, to whom was referred the petition of the widow and heirs of John Summit, deceased, reported the same with the following resolution, viz :

Resolved, That said petition be rejected.

Which was concurred in.

The Speaker laid before the House a report from the President of the Board of Internal Improvement, which is as follows, viz :

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
January 13, 1846. }

SIR :

I have the honor, herewith, to make report of the views and opinion of the Board of Internal Improvement upon various claims against the State, for damages done to the claimants by the slackwater of the Green and Barren rivers, and to be, with great deference and respect,

Your obedient servant,

THOMAS METCALFE, P. B. I. I.

To the Hon. J. R. UNDERWOOD,

Speaker of the House of Representatives.

To the honorable Senate and House of Representatives :

In pursuance of the provisions of an "act for the benefit of the owners of mills and other property injured by slackwater," approved February 10, 1845, the Board of Internal Improvement respectfully report :

That instead of appointing an agency, as they were authorized to do, to discharge the duties prescribed by that act, it was determined that the President of the Board should investigate all the claims against the State, for damages upon the Green and Barren River Navigation, in person. This step was taken on the part of the Board, not only as a measure of economy, by which to avoid the necessity of employing competent persons to perform that duty, but also for the purpose of enabling the President to make a minute examination of the Locks and Dams, and to report to the Legislature his opinion of what ought to be done for the future security and protection of those works. He proceeded, accordingly, to Bowlinggreen, and entered upon the duties assigned him. It was, however, his misfortune, in returning to Bowlinggreen, from Mitchell's mill, to sustain an injury so serious, by the sudden falling of his horse, and the summerset of that *beast*, reversing positions with the rider, as to render it impossible for him to proceed further. In consequence of this mishap, an agent had to be appointed to continue the investigation of the claims alluded to. The works upon the Kentucky river being, at that time, in good order, and not requiring the im-

mediate attention of the Superintendent, the Board thought it best to devolve upon that officer the duty of making the investigations upon the Green and Barren rivers. Having entire confidence in the integrity of Mr. Conn, as well as in his experience and capacity to perform that duty; and wishing to incur no additional expense, by the employment of persons not connected with the service, who of course would expect to be *paid for the time they were employed*, as well as their traveling expenses, he was appointed accordingly; and made all the investigations excepting the claims within the vicinity of Bowlinggreen, which underwent the investigation of the President, aided, on account of his debility at the time, by George B. Adams, Esq., of Bowlinggreen. The testimony taken in behalf of the several claimants, on that line of navigation, has been "*reduced to writing*," and is "*on file in this office*," as directed by the act aforesaid, for the inspection of committees, or to be disposed of as the honorable Legislature may direct.

The Board give the following opinion as the result of their investigations, founded upon the testimony alluded to:

From the testimony produced in the case of Prudence Shadburn, and others, claiming damages done to a tract of land, of between 900 and 1,000 acres, the Board are of opinion that the claimants have, in reality, sustained damages to the amount of about (\$1,000,) one thousand dollars, and recommend the payment of that sum accordingly.

From the testimony taken in the case of John Mitchell, H. G. Mitchell, and Leander Mitchell, the Board are of opinion that they have sustained damages to the amount of about \$2,000, over and above the value of all the advantages resulting to them from the navigation, and recommend the payment of that sum to the claimants.

From the testimony taken in behalf of H. Hines, the Board have formed the opinion, that he has, in reality, sustained no damages from the slack-water, at all equal to the advantages resulting from it, and therefore, decline to recommend the payment of his claim, or any part of it.

The claim of S. & S. F. Vaught, for damages done to their mill on Pond creek, which empties into Green river more than thirty miles above Dam No. 1, was investigated by Mr. Conn. As will be seen by examining the testimony, several witnesses give it as their opinion, that the claimants have actually sustained damages to the amount of about \$1,000. From the statement of the same witnesses, it will appear that the water wheel of their mill is about six feet above the back water from pool No. 2, when upon a level with the top of the Dam. Admitting this opinion of the witnesses to be correct, so far as relates to the height of the wheel above the water at the stage mentioned, and the Board would still doubt whether the damming of the water had any serious effect upon the running of the mills. A considerable rise would be required to swell the river, at that point, six feet above the usual depth of the pool. Such floods do occasionally occur, and in most instances, would probably reach a height as great, and remain up nearly as long if the Dams were removed, as at present.

But the opinion of the witnesses alluded to is not corroborated by the testimony of Alonzo Livermore, whose opportunity rightly to understand the matter was much better than that of the other witnesses. From the testimony of Mr. Livermore, it appears, that the water wheel is not less than about nine feet above the water at the stage mentioned; and as will also be seen by referring to the testimony of Hiram Taylor, an engineer employed by the "Kentucky Coal Company," to examine and report to that

company such facts as would guide them in their contemplated purchase of that property, they declined making the purchase, not on account of any difficulty reported to them, or at all likely to result from the slackwater, but for other causes, as set forth in the report of said Taylor—for instance, the dilapidated condition of the mills, and the scarcity of timber. There is, upon the whole, such confliction in the testimony taken by Mr. Conn, and that which was given to the "Kentucky Coal Company," by their engineer, and which is referred to by Mr. Livermore, as to forbid any attempt on the part of the Board to reconcile it. The Board would, by no means, be understood to impute to the witnesses, on either side, the slightest intentional wrong; but would respectfully dissent from the *opinion* of those who think that damages have been sustained to the amount of \$1,000, even from their own account of the height of the wheel above the ordinary level of the pool. But when to this hesitancy on the part of the Board, to concur in the opinion of those witnesses, is added the testimony of the engineers alluded to, they feel confirmed in the opinion that no allowance should, at this time, if ever, be made to the claimants. If the wheel is, in reality, but six feet above the level stated, that fact can easily be established; and then the question will fairly arise, whether, at that height, and from that cause, the effect upon the mills will be as supposed by the witnesses. Nor do the Board suppose it to be difficult to ascertain with accuracy, the extent and value of the coal beds. If, in reality, they were of any value at all, prior to the making of the slackwater, that value is evidently greatly increased, by the near approach of navigable water to them, from the pools. For the reasons stated, the Board decline to recommend the payment of any damages to S. & S. F. Vaught.

The President of the Board, assisted by Mr. Adams, investigated the claim of H. Hines, for damages done to his farm upon Barren river, above the Dam upon that stream. From the testimony in that case, the Board are of opinion that the benefits resulting to the claimant from the navigation, are at least equal, if not greater than all the damages sustained by the considerable inconveniences to which he is subjected by the slackwater. Entertaining this opinion, the Board decline to recommend the payment of this claim, or any part thereof.

The claim of G. W. King, for damages done to his mill upon Sputman's creek, might be deemed worthy of further investigation, but for the fact that the mill was built some years after the commencement of the works upon Green river, and when those works were in rapid progress towards completion. The State, in the opinion of the Board, is under no obligation, moral or otherwise, to indemnify—if damages have been sustained—such claims as this. To indemnify claimants for their own wrong, would be a bad precedent, and might be productive to future similar evils. The Board, therefore, think this claim ought to be rejected.

There is yet another claim for damages upon that navigation, which at the request, by letter, of the friend and supposed attorney of the claimant, the Board at present decline to report upon; and submit their views and opinions in reference to the other claimants, with great deference to the honorable Senate and House of Representatives.

THOMAS METCALFE, P. B. I. I.

Ordered, That said report be referred to the committee on Claims.

Mr. Harlan, from the committee on the Judiciary, who were appointed to prepare and bring in the same, reported the following bills, viz:

A bill for the benefit of Francis Machen.

A bill for the benefit of the children of William M. Taylor.

A bill for the benefit of Susan Ann D. Young, and her children.

A bill for the benefit of John Dennis, wife and children.

A bill to change the names of John Holly, Hezekiah Ashley, and Aurelius Valerion Grigsby.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

Mr. L. Combs moved the following resolution, viz:

WHEREAS, by the fourth section of the "act to amend the revenue laws," approved February 10th, 1845, it was made the duty of the Attorney General and Secretary of State to digest all the revenue laws now in force in this Commonwealth, and report the laws, so digested, to the next Legislature, in a bill for consideration and re-enactment,"—therefore,

Resolved, That the Attorney General and Secretary of State be requested to communicate to the General Assembly, as early as convenient, the result of their labors, or the labors of either of them in virtue of said recited act.

Which was adopted.

The House then resolved itself into a committee of the whole, Mr. Glenn in the Chair, on the contested election from the county of Boone, and after some time spent therein, the Speaker resumed the Chair, when Mr. Glenn reported, that the committee had, according to order, had the subject under consideration, and had made some progress therein, but not having time to go through with the same, had instructed him to ask leave to sit again; which was granted.

And then the House adjourned.

WEDNESDAY, JANUARY 14, 1846.

A message was received from the Senate, announcing their concurrence in the resolutions from this House in relation to Public Printing.

That they had passed bills of the following titles, viz:

An act to change the Anderson and Franklin county line.

An act for the benefit of the widow and heirs of Frederick Adkins, deceased.

And had received official information from the Governor, that he had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act authorizing the County Court of Breckinridge county to change the location of part of the State road leading from Brandenburg to Shawneetown.

An act to continue in force for one year, an act for the benefit of Isaiah Heston, late Sheriff of Breckinridge county.

An act for the benefit of Samuel E. Carpenter.

An act to change the names of William Reynolds and Walker Reynolds, to those of William Cochran and Walker Cochran, and for other purposes.

An act continuing in force the law providing for the appointment of Commonwealth's Attorneys.

An act for the benefit of the Clerk of the Clinton Circuit Court.

An act to change the time of holding the election of Trustees for the town of Cadiz, in Trigg county.

An act to allow further time to the Sheriff of Pulaski county to return his delinquent list of muster fines, and for other purposes.

Also, a joint resolution, entitled:

A resolution to appoint a committee to examine Transylvania University, the Deaf and Dumb Asylum, and the Lunatic Asylum.

Approved January 10, 1846.

1. Mr. Stevenson presented the petition of sundry citizens of Kenton county, praying the passage of a law incorporating a company to construct a bridge across the Ohio river, opposite the city of Covington.

2. Mr. Clarke presented the petition of sundry citizens of Caldwell county, praying a change in the place of voting in an election precinct in said county.

3. Mr. Evans presented the petition of sundry citizens of the town of Hopkinsville, praying an extension of the limits of said town.

4. Also, the remonstrance of sundry citizens of the town of Hopkinsville, against the extension of the limits of said town.

5. Mr. Harlan presented the petition of sundry citizens, praying a reformation of the militia system, by reducing the number of musters.

6. Mr. Seaton presented the memorial, or statement of George W. Kouns, a Justice of the Peace, with other documents, in relation to the proceedings against him for the purpose of removing him from office.

7. Mr. L. Combs presented the petition of Jane Worley, guardian of Jane Walker and others, praying that she be permitted to import into this State, certain slaves belonging to her wards.

8. Mr. Barlow presented the petition of John Black, of Monroe county, praying the passage of a law establishing a town on his lands.

9. Mr. Root presented the petition of Lewis Perry, administrator of William A. Pendleton, deceased, praying the passage of a law extending the time of collecting fee bills due his intestate, as late Clerk of Kenton county.

10. Mr. Murray presented the petition of sundry citizens of Green county, praying that an additional Justice of the Peace be allowed to said county.

11. Mr. Mayes presented the petition of Jesse Berkhead, praying to be divorced from his wife, Sarah Berkhead.

12. Mr. Pope presented the petition of sundry citizens of the city of Louisville, praying the passage of a law authorizing the filling up of Bear Grass creek, from its mouth to Wm. Pope's line, and the cutting of a canal from Geiger's mill to the Ohio river.

13. Mr. Rodman presented the petition of sundry citizens of the town of Lagrange and its vicinity, praying the passage of a law prohibiting the grant of license to retail spirituous liquors.

14. Mr. McKellup presented the petition of Richard H. Rawson, praying the passage of a law refunding to him a sum of money paid as damages on the amount of taxes on certain lands, paid by him.

Which were received, the reading thereof, (except the 13th, which was read,) dispensed with, and referred; the 1st and 12th to the committee on Internal Improvement; the 2d to Messrs. Clarke, S. Stone, and Short; the 3d, 4th, and 10th to the committee on Propositions and Grievances; the 5th to the committee on Military Affairs; the 6th to Messrs. Cox, Stevenson, and Desha; the 7th, 8th, 9th, and 13th to the committee on the Judiciary; the 11th to the committee on Religion; and the 14th to the committee on Ways and Means.

Mr. Dallam, from the committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act to change the venue in the prosecutions against Moses Guess, Philip F. Jones, Murray M. Jones, and John P. Salling, from the Edmonson to the Warren Circuit Court.

An act for the benefit of Moses McMillin, of Barren county.

An act to change the name of Clementine Pinley to Clementine Waterberry.

An act appointing Commissioners to run and mark the county line between Jefferson and Bullitt counties.

An act for the benefit of John Sparks, a Constable of Harrison county.

An act for the benefit of Benjamin Leavell.

An act to amend an act to invest the Craddock Fund.

An act for the benefit of the Jailers of Hickman, Oldham, and Livingston counties.

An act authorizing the appointment of additional Justices of the Peace for the counties of Muhlenburg and Union.

An act for the benefit of James Flippin and W. G. Howard, late Sheriffs of Monroe county.

An act to change the name of James William Davis.

An act for the benefit of the town of Albany.

An act to change the name of Samuel Allison.

An act to change the names of Betsey Walton and Mary Ann White.

That the committee had also examined enrolled bills which originated in the Senate, and had found them truly enrolled, viz:

An act for the benefit of Jonathan T. Moredock.

An act to authorize the County Court of Barren county to change the location of the Poor House in said county.

On motion of Mr. Hughes,

Ordered, That the committee on the Judiciary be discharged from the further consideration of the petition of sundry citizens, for the formation of a new Judicial District, and that they be referred to the committee appointed to re-model the Judicial Districts and equalize the labors of the Circuit Judges.

Mr. Harlan, from the committee on the Judiciary, to whom was referred leave to bring in a bill to repeal an act, entitled, an act to amend the revenue laws, approved March 10, 1843, asked to be discharged from the further consideration thereof, which was granted.

Ordered, That said leave be referred to the committee on Ways and Means.

Mr. Harlan, from the same committee, to whom was referred leave to bring in a bill to increase the jurisdiction of the Magistrates of this Commonwealth, asked to be discharged from the further consideration thereof.

Mr. Kelly moved that said committee be not discharged, and that they bring in a bill in pursuance of said leave.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Evans and Glenn, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Anthony,
Clack,
Elliott,
Evans,
Fallis,
Gardner,
Glenn,
Hardy,

Hatfield,
Head,
Headley,
Johnston, A.
Jones,
Kelly,
Lapsley,

Mayes,
Maxey,
Murray,
Orndorff,
Short,
Smith, J.
Whitlock--23.

Those who voted in the negative, were—

Mr. Speaker,	Ford,	Purdom,
Mesrss. Abbett,	Finnell,	Railey,
Alexander,	Gano,	Reid,
Barkley,	Glover,	Riley,
Barlow,	Gore,	Rodman,
Begley,	Haggard,	Root,
Botts,	Harlan,	Seaton,
Bowling, G.	Hay,	Shawhan,
Bowling, R. C.	Howell,	Smith, E.
Brasher,	Hughes,	Smith, J. Speed,
Brawner,	Hunton,	Sparks,
Brown,	Jackson,	Speed,
Brooks,	Johnson, D. B.	Stevenson,
Cessna,	Mayhall,	Stone, B.
Clarke,	McC Campbell,	Stone, S.
Cleaveland,	McKellup,	Thomas, A. W.
Combs, J.	Mills,	Thomas, W.
Combs, L.	Miller,	Thurston,
Conner,	Moore,	Walker,
Cox,	Myers,	Wallace.
Dallam,	Orr,	Waller,
Darnaby,	Peters,	Wheat,
Desha,	Pope,	Whitsett
Dudley,	Priest,	Wortham—73.
Duncan,		

The said committee were then discharged.

The Speaker laid before the House the response of the President of the Board of Internal Improvement, to the resolution proposed by Mr. Cox on the 12th instant, which is as follows, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
January 14, 1846. }

SIR:

In obedience to a resolution of the House of Representatives of the 12th inst., I have the honor to submit the following report of the Board of Internal Improvement, and to be, very respectfully,

Your obedient servant,

THOMAS METCALFE, P. B. I. I.

To the Hon. J. R. UNDERWOOD,

Speaker of the House of Representatives.

The 31st section of the Internal Improvement act of 1835-6, page 537, authorizes the Board of Internal Improvement to make subscriptions to the following counties, of *one thousand dollars*, (\$1,000,) each, so soon as they respectively raise the sum of *five hundred dollars*, (\$500,) viz:

To Meade county,	-	-	-	-	\$1,000
To Breckinridge county,	-	-	-	-	1,000
To Hancock county,	-	-	-	-	1,000
To Daviess county,	-	-	-	-	1,000
To Henderson county,	-	-	-	-	1,000
To Union county,	.	-	-	-	1,000
					<hr/>
					\$6,000

The above \$6,000, together with the \$3,000 to be raised by said counties, were to be expended in improving the State and stage road leading from the mouth of Salt river to Shawneetown.

The same section authorized the Board to subscribe to the counties of Morgan and Lawrence, each, the sum of \$2,000, to improve certain roads and bridges in said counties, whenever said counties shall have raised and subscribed, respectively, the sum of \$1,000.

The 3d and 4th sections of an act, entitled, "an act to establish a State road from the mouth of Salt river to Bowlinggreen, through Grayson county," approved 18th February, 1839, authorizes the Board of Internal Improvement to subscribe and pay to the counties of Grayson and Edmonson, two dollars for every one dollar raised and subscribed by said counties.

The 16th section of the Internal Improvement act of 1837-8, authorizes the Board of Internal Improvement to subscribe, pay, and expend, in the county of Breckinridge, an additional sum of not exceeding \$3,000, whenever said county shall raise one half of said sum.

In November, 1836, the County Court of Breckinridge levied a special tax of \$500, and applied to the Board of Internal Improvement for the subscription on the part of the State, alluded to before. And on the 3d of January, 1838, David R. Murray and others, Commissioners on the part of said county, informed the Board of Internal Improvement that they had received from the County Court of said county, the further sum of \$1,500, and applied to the Board for the additional subscription authorized by the act last referred to.

At the November term, 1837, the County Court of Hancock levied a special tax of \$500, and applied to the Board for a subscription, as authorized by the act aforesaid.

At the June term, 1836, the County Court of Daviess levied a special tax of \$500, and made application to the Board for the subscription on the part of the State, authorized by the act aforesaid.

At the October term, 1846, the County Court of Henderson levied a special tax of \$500, and made application to the Board for the subscription on the part of the State, authorized by said act.

At the July term, 1837, the County Court of Union county levied a special tax of \$500, and also made application to the Board for the subscription on the part of the State, authorized by the aforesaid act.

In June, 1839, Isaac Thomas and others, having received from the County Court of Grayson county, and sundry individuals in said county, the sum of \$841 50, made application to the Board for the subscription on the part of the State, authorized by the aforesaid act.

In June, 1839, Augustus M. Barret, having received from the county Treasurer of Edmonson county, and sundry citizens of said county, the sum

of *seven hundred and five dollars*, (\$705,) made application to the Board for the subscription on the part of the State authorized by the act aforesaid.

Upon the making of the several applications aforesaid, the Board of Internal Improvement, under the authority of the laws referred to, made subscriptions and payments as follows, viz:

1837, December 7. To Breckinridge county,	\$1,000	
1839, January 29. To Breckinridge county,	3,000	
		<hr/>
		\$4,000
1838, January 26. To Hancock county,	-	1,000
1837, December 7. To Daviess county,	-	1,000
1838, January 26. To Henderson county,	-	1,000
1839, February 15. To Union county,	-	1,000
1839, December 19. To Grayson county,	-	500
1839, June 10. To Edmonson county,	-	460
		<hr/>
		\$8,960

It will be seen from the foregoing statement, that each of the aforesaid counties, making application, have received the full amount authorized to be paid them, except Grayson and Edmonson:

To the former there is now due,	-	\$1.183
To the latter there is now due.	-	950
		<hr/>
		\$2,133

No application has been made by either Lawrence, Morgan, or Meade counties.

As will be seen above, the Board has made no payment since December 1839, there being no appropriation or fund set apart for that purpose.

Ordered, That said response be referred to the committee on Internal Improvement.

The Speaker laid before the House a communication from the Attorney General and Secretary of State, which is as follows, viz:

FRANKFORT, January 13, 1846.

SIR:

The act to amend the Revenue Laws, approved February 10, 1845, made it the duty of the Attorney General and Secretary of State to digest all the Revenue Laws then in force in this Commonwealth, and report the laws so digested to the present Legislature, in a bill for consideration and re-enactment.

During the past year we have attempted to discharge that duty, and now ask permission, respectfully, to make known to the General Assembly the result of our labor:

In the task assigned us, we deeply felt the importance of the trust and great responsibility thereof; but did not anticipate the many difficulties attendant thereon, until we had made considerable progress in our labors; and nothing but an anxious desire to discharge any duty imposed by the Legislature, prevented an entire abandonment of the task. In the year 1792, a system of Revenue was established, and since that to the present, there has been a continued legislation on the subject of Revenue, without a

repeal of former laws, except by implication. Therefore, in digesting those laws we found great difficulty in keeping clear of the unwarranted act of legislation ourselves. The plan adopted, (according to our construction of the act prescribing our duties) was as follows, viz:

1. To divide the Revenue into three grand heads or divisions, ordinary, extraordinary and incidental.

2. Each grand division is sub-divided into chapters.

3. The entire work is sectionised, and should be indexed by sections instead of pages.

4. To which is added an appendix or synopsis of the laws, for the issue of State Bonds, Banks, &c., which laws have expired; yet in order to understand the true financial condition of the State, it becomes important to refer to them.

It will be seen each head, chapter and section has some direct or indirect bearing on the Revenue, either in its reception or disbursement, and therefore come, within the idea of "*a digest of the Revenue Laws now in force.*" But should this be deemed a mis-construction of our duty; in that event, the work is so arranged that any head, chapter or section can be removed without the slightest injury to the remainder.

We have endeavored to be accurate and faithful. The language of the statutes, (so far as they comported with the simplicity and common understanding of the law) has been retained.

The work, such as it is, we have ready for the consideration of the Legislature, and will, with pleasure, give any further explanation or suggestion in relation thereto, that may be deemed needful.

With great respect,

O. G. CATES, *Attorney General.*

BEN. HARDIN, *Secretary of State.*

Ordered, That said communication be referred to the committee on Ways and Means.

The Speaker laid before the House a communication from the Secretary of State, which is as follows, viz:

SECRETARY'S OFFICE,
January 14, 1846. }

I would respectfully suggest that the law which passed last session, appointing the Attorney General and Secretary of State to digest the revenue laws, does not, in so many words, in our opinion, authorize us to submit to the consideration of your honorable body, any alterations or amendments in those laws; but to that point I directed my attention personally, and if it would not be considered obtrusive and disrespectful, I will, at some future day of this session, submit to the Legislature my views and plans, to so improve the revenue as to add fifty thousand dollars annually to the Sinking Fund, to reimburse the principal of the State debt in thirty years, and add very little to the burdens of the people.

I am, &c.,

BEN. HARDIN, *Secretary of State.*

Ordered, That said communication be referred to the committee on Ways and Means.

On the motion of Mr. Hughes, leave was given to bring in a bill for the benefit of the Sheriff of Union county.

Ordered, That Messrs. Hughes, Desha, and Root prepare and bring in the same.

On motion of Mr. Botts,

Ordered, That leave of absence, until Monday next, be granted Mr. Moore.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Reid—1. A bill for the benefit of the heirs of Nicholas Smith, deceased.

By Mr. E. Smith—2. A bill to repeal the act establishing Circuit Courts and establishing District Courts.

By Mr. Glenn—3. A bill to amend an act, entitled, an act to incorporate the Louisville and Portland Railroad Company, approved March 2, 1844.

By Mr. Hunton—4. A bill to protect the citizens of this Commonwealth against impositions by Justices of the Peace and Constables.

By Mr. Wortham—5. A bill for the benefit of Jediah McLure.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2d, and 4th were referred to the committee on the Judiciary; the 3d to the committee on Internal Improvement; and the 5th to the committee on Ways and Means.

Ordered, That the Public Printer forthwith print 150 copies of the second bill for the use of the members of the General Assembly.

The House again resolved itself into a committee of the whole, Mr. Glenn in the Chair, on the contested election from the county of Boone, and after some time spent therein, the Speaker resumed the Chair, when Mr. Glenn reported that the committee had, according to order, had under consideration the subject aforesaid, and had made some progress therein, but not having time to go through with the same, had instructed him to ask leave to sit again; which was granted.

And then the House adjourned.

THURSDAY, JANUARY 15, 1846.

1. Mr. J. Speed Smith presented the petition of Francis Roberts, praying that compensation be allowed him for a horse that died in service, in the expedition to Clay county, under the command of General Dudley, by order of the Governor.

2. Also, the petition of George W. Fox, praying that compensation be made him for a horse that died in service, in the expedition to Clay county, under the command of General Dudley, by order of the Governor.

3. Also, the petition of Robert Millien and William Moore, praying that compensation be made them for injuries to horses furnished by them, in the expedition to Clay county, under the command of Col. Miller, by order of the Governor.

4. Also, the petition of John Cole, Jailer of Clay county, praying that compensation be made him for extraordinary services rendered by him whilst Abner Baker was in his custody, as Jailer of said county.

5. Also, the petition of Adam Rogers, Samuel Rogers, and Addison Rogers, praying the passage of a law establishing a town on their lands.

6. Mr. Root presented the petition of Palmer & Guyou, Robert Williams, J. T. & J. C. Ham, and James S. Law & Co., late Contractors on the Licking River Navigation, praying that compensation be made them for damages sustained by them in consequence of the suspension of their contracts.

7. Mr. Desha presented the petition of Joseph W. Tate, praying to be divorced from his wife, Mary C. Tate.

8. Mr. Dudley presented the petition of Frederick Mayberry, praying that he be permitted to bring into this State a certain slave.

9. Mr. Finnell presented the petition of Samuel F. Taylor, praying the passage of a law releasing him and his securities from a bond given for the return of certain public arms.

10. Also, the petition of the Trustees of the town of Carlisle, praying the passage of a law authorizing them to sell and convey an alley in said town.

11. Mr. D. B. Johnson presented the petition of Nancy Moffett, and others, widow and heirs of Alexander Moffett, praying the passage of a law authorizing a sale of certain real estate which descended to them.

12. Also, the petition of Thomas Smith, and others, praying that the town of Milton may be established and incorporated.

13. Mr. Fallis presented the petition of R. W. Shockency, Jailer of Henry county, praying the passage of a law directing the County Court to make him an allowance for extra services performed by him as Jailer.

14. Mr. Seaton presented the petition of Zerilda Jane Price, praying to be divorced from her husband, Evan Price.

15. Mr. E. Smith presented the petition of Thomas J. Smith, praying the passage of a law authorizing a sale of certain real estate belonging to the heirs of Josiah Evans, deceased.

16. Also, the petition of Jonathan Newman, praying the passage of a law legalizing his acts as a militia Captain, after his election as such, but before he received his commission.

17. Mr. Hatfield presented the petition of J. H. Cotton, praying the passage of a law permitting him to bring into this State, a certain slave.

Which were received, the reading dispensed with, and referred, the 1st, 2d, 3d, 9th, and 16th to the committee on Military Affairs; the 4th to the committee on Claims; the 5th to Messrs. J. Speed Smith, Wallace, and Anthony; the 6th to the committee on Internal Improvement; the 7th and 14th to the committee on Religion; the 8th, 10th, 11th, 13th, and 15th to the committee on the Judiciary; the 12th to Messrs. D. B. Johnson, Miller, Rodman, and Clarke; and the 17th to the committee on Propositions and Grievances.

Mr. Dallam moved the following resolution, viz:

Resolved, That the committee on the Judiciary be instructed to enquire into the expediency of so amending the laws in relation to criminal prosecutions, as to give to Attorneys for the Commonwealth a definite number of peremptory challenges to jurors, in cases of felony, and that said committee report to this House as early as practicable, by bill or otherwise.

Which was adopted.

Mr. Hardy moved the following resolution, viz:

Resolved, That the joint committee on Banks be, and they are hereby, instructed to enquire and report to the General Assembly, the amount of money, if any has been borrowed on the credit of the State, by the Board of Internal Improvement, or by any other agent or functionary of the government, and if any has been thus borrowed, report by reference to the law, under the authority of which the same has been done, the time when borrowed, and the specific amounts at the various times.

Which was adopted.

Mr. Myers moved the following resolution, viz:

Resolved, That the committee on Internal Improvement be instructed to enquire into the propriety and expediency of completing the Covington and Lexington Turnpike Road, either by an appropriation of money to that object, or a disposition of the stock held by the State in said road.

Which was adopted.

A message was received from the Senate announcing the passage of bills from this House, of the following titles, viz:

An act concerning the Banks of Kentucky.

An act for the benefit of Common School District, No. 23, in Caldwell county.

An act divorcing Mary Hancock.

With amendments to the last named bill.

And had passed bills of the following titles, viz:

An act to amend the charter of the Fireman's Insurance Company of Louisville.

An act to amend an act, entitled, an act to amend the law regulating appeals from the judgment of Justices of the Peace, approved Dec. 23, 1831.

A message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that he had approved and signed enrolled bills which originated in this House, of the following titles, viz:

An act to change the name of Samuel Allison.

An act for the benefit of the town of Albany.

An act for the benefit of James Flippin and W. G. Howard, late Sheriffs of Monroe county.

An act to change the name of James William Davis.

An act to amend an act to invest the Craddock Fund.

An act for the benefit of the Jailers of Hickman, Oldham, and Livingston counties.

An act to change the names of Betsey Walton and Mary Ann White.

An act authorizing the appointment of additional Justices of the Peace for the counties of Muhlenburg and Union.

An act for the benefit of Benjamin Leavell.

An act for the benefit of John Sparks, a Constable of Harrison county.

An act appointing Commissioners to run and mark the county line between Jefferson and Bullitt counties.

An act to change the name of Clementine Pinley to Clementine Waterberry.

An act for the benefit of Moses McMillin, of Barren county.

An act to change the venue in the prosecutions against Moses Guess, Philip F. Jones, Murray M. Jones, and John P. Salling, from the Edmonson to the Warren Circuit Court.

Approved January 14, 1846.

The amendments proposed by the Senate to a bill from this House, entitled, an act divorcing Mary Hancock, were taken up, twice read, and concurred in.

On motion of Mr. Cox,

Ordered, That the Public Printer forthwith print 150 copies of the response of the President of the Board of Internal Improvement to the resolution proposed by him on the 12th instant.

Mr. L. Combs, from the committee on Ways and Means, to whom was referred, the petition of James D. Taylor, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Mr. Cox moved to amend said resolution, by striking out the words, "be rejected," and inserting, "is reasonable."

And the question being taken thereon, it was decided in the negative.

The said resolution was then concurred in.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Root—1. A bill to extend the corporate limits of Newport.

By Mr. Hughes—2. A bill for the benefit of the Sheriff of Union county.

By the committee on the Judiciary—3. A bill allowing additional Justices of the Peace and Constables to certain counties, and for other purposes.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st was referred to the committee on the Judiciary, and the 2d and 3d were severally ordered to be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the 2d and 3d bills having been dispensed, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Harlan, from the committee on the Judiciary, to whom was referred a bill to tax duelling pistols, bowie knives, and other deadly weapons, reported the same without amendment.

Ordered, That said bill be made the special order of the day for Tuesday next, and that the Public Printer forthwith print 150 copies of said bill for the use of the members of the General Assembly.

Mr. Harlan, from the same committee, to whom was referred a bill for the benefit of Joseph Botts, reported the same with amendments.

Which were concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision, and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The Speaker laid before the House a communication from the President of the Board of Internal Improvement, which is as follows, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,)
January 15, 1846. }

SIR:

In pursuance of the provisions of the sixth section of an act, entitled, "an act for the benefit of the owners of mills and other property injured by slackwater," a contract was entered into between the Commonwealth, by George B. Adams and John T. Cox, on the part of the State, and Henry G. Mitchell, John Mitchell, and Leander Mitchell, of the other part, on the 1st day of September last, for the removal of so much of Mitchell's mill dam as obstructed the navigation of Barren river.

The greater part of that obstruction has been removed; but owing to the sickness of the Contractors and occasional rises in the river, a part thereof remains to be removed; the papers on file in this office will show particulars. The Contractors are responsible men; and the Board would respectfully suggest, that no provision having been made for the payment of the Contractors, whether an appropriation should not be now made for that purpose.

I have the honor to be,

Very respectfully, &c.

THOMAS METCALFE, P. B. I. I.

HON. JOSEPH R. UNDERWOOD,

Speaker of the House of Representatives.

Ordered, That said communication be referred to the committee on Claims.

A message was received from the Senate by Mr. Gray, asking leave to withdraw their report announcing their concurrence in resolutions from this House in relation to the Public Printing.

Which was granted, and the resolutions were withdrawn.

Mr. Stevenson presented the memorial of the committee appointed by the Licking River Convention, upon the subject of the resumption of the Licking river improvements.

Which was received, the reading dispensed with, and referred to the committee on Internal Improvement.

Ordered, That the Public Printer forthwith print 150 copies of said memorial, for the use of the members of the General Assembly.

On motion of Mr. Cox,

Ordered, That he be excused from serving on the committee appointed on the memorial of sundry citizens of Carter county, praying the removal of George W. Kouns, a Justice of the Peace for said county.

The Speaker, on motion, added Messrs, Riley, R. C. Bowling, and Barlow to said committee.

The House again resolved itself into a committee of the whole, Mr. Glenn in the Chair, on the contested election from the county of Boone, and after some time spent therein, the Speaker resumed the Chair, when Mr. Glenn reported, that the committee had, according to order, had under consideration the subject aforesaid, and had made some progress therein, but not hav-

ing time to go through with the same, had instructed him to ask leave to sit again; which was granted.

And then the House adjourned.

FRIDAY, JANUARY 16, 1846.

1. Mr. Cox presented the petition of Elizabeth Cox, praying to be divorced from her husband, Geo. W. Cox.

2. Also, the petition of the heirs of John Stump, deceased, praying the passage of a law authorizing the sale of certain real estate owned by them.

3. Also, the petition of Milton Busby, praying permission to import into this State, certain slaves.

4. Also, the petition of Edward Thompson, administrator of Walter Pike, deceased, praying an appropriation for the benefit of certain Idiots.

5. Mr. E. Smith presented the memorial of sundry citizens of Mason county, residing in the Germantown precinct, against the removal of the Seat of Justice of said county.

6. Mr. Barkley presented the petition of William Dorris, guardian of John P. Dorsey, and others, infant children and heirs of Henry P. Dorsey, deceased, praying the passage of a law authorizing a sale of certain real estate of his wards.

7. Mr. Harlan presented the petition of Lewis Jarvis, executor of Sarah Crawford, deceased, praying the passage of a law authorizing a sale of certain real estate devised by said deceased to her children.

8. Mr. Clarke presented the petition of sundry citizens of Trigg county, praying the establishment of a new Judicial District.

9. Mr. Jones presented the petition of sundry Israelites of the city of Louisville, praying the passage of a law incorporating them into a church to be styled Rodef Scholom.

10. Mr. L. Combs presented the petition of W. W. Roman, praying an amendment to the act authorizing the appointment of a Trustee to receive a bequest made to his wife.

11. Mr. Thruston presented the petition of William Oden Smith, praying that his name may be changed to that of Markham O. Smith.

12. Mr. Kelly presented the petition of Thomas J. Fuqua, praying the passage of law permitting him to retail spirituous liquors, upon paying for a license so to do.

13. Mr. Short presented the remonstrance of sundry citizens of Carter county, against the removal of George W. Kouns, a Justice of the Peace of said county, from office.

Which were received, the reading thereof dispensed with, (except the 5th and 9th, which were read,) and referred, the 1st and 9th to the committee on Religion; the 2d, 3d, 6th, 7th, 8th, and 10th to the committee on the Judiciary; the 4th to the committee on Claims; the 5th to the committee on Propositions and Grievances; the 11th to Messrs. Thurston, Cox, and Glenn; the 12th to the committee on Ways and Means; and the 13th to Messrs. Stevenson, Desha, Riley, R. C. Bowling, and Barlow.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled,

An act to take the sense of the people of this Commonwealth as to the expediency of calling a convention.

That they had passed a bill, entitled,

An act to amend an act to prevent the burning of the woods in certain counties, and for other purposes, approved February 7, 1840.

And had received official information from the Governor, announcing that he had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act to authorize the County Court of Barren county to change the location of the Poor House in said county.

An act for the benefit of Jonathan T. Moredock.

Approved January 14, 1846.

On motion of Mr. Hay,

Ordered, That the committee on Propositions and Grievances be discharged from the further consideration of the petition of sundry citizens of Daviess and Muhlenburg counties, praying for a new county, and that the petition be withdrawn.

Which was granted.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Orr—1. A bill to regulate the County Courts of Owen county, and for other purposes.

On the motion of Mr. Pope—2. A bill to amend the charter of the Merchant's Louisville Insurance Company, and the Bank of Louisville.

On motion of Mr. Desha—3. A bill for the benefit of Winston Roberts.

Ordered, That Messrs. Orr, Root, and Walker prepare and bring in the 1st, and the committee on the Judiciary the 2d and 3d.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on the Judiciary—1. A bill authorizing the County

Court of Boyle county to require its Clerk to make cross indexes to all deeds and other instruments of writing recorded in his office.

By same—2. A bill for the relief of emigrants to this State.

By same—3. A bill for the benefit of Daniel O'Neal and Sarah Graham.

By the committee on Religion—4. A bill divorcing Edward Farrar and Martha Farrar.

By same—5. A bill divorcing Reuben Herndon from his wife, Mary E. Herndon.

By same—6. A bill divorcing Thomas Watson from his wife, Amanda Watson.

By same—7. A bill divorcing William Grissom from his wife, Mary Grissom.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills, (except the 2d,) having been dispensed with, and the same being engrossed,

Resolved, That the said bills do pass, and that the titles thereof be as aforesaid.

The Speaker laid before the House the response of the President of the Board of Internal Improvement, to the resolution of the 8th instant, which is as follows, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT, }
January 15th, 1846. }

SIR:

In reply to the resolution of the House of Representatives of the 8th instant, calling upon the Board of Internal Improvement to report to that House "the probable cost of three Locks and Dams on Green river," I have the honor, respectfully, to state that, as estimated by Sylvester Welch, late Chief Engineer of this State, in 1839-'40, the cost of two additional Locks and Dams upon the Green river would be \$230,000. From the general and superior accuracy of that officer in relation to such estimates, it is believed that the *cost at that time for the two Locks and Dams* alluded to, would have been about the sum then estimated. It is believed by the Board, that the great reduction in the price of labor, materials and provisions, since that day, added to the advantages of greater experience in such matters, that the *three Locks and Dams* mentioned in the resolution, would cost but little, if any, more than the estimated cost of the *two*—say from \$230,000 to \$245,000.

I have the honor to be,

Respectfully, your obedient servant,

THOMAS METCALFE, P. B. I. I.

HON. JOSEPH R. UNDERWOOD,

Speaker of the House of Representatives.

Ordered, That said response be referred to the committee on Internal Improvement, and that the Public Printer forthwith print 150 copies of said response for the use of the members of the General Assembly.

Mr. Peters, from the committee on Religion, to whom was referred the petition of Mary E. Levi, praying for a divorce, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Mr. L. Combs moved to amend said resolution by striking out the words "be rejected," and insert "is reasonable."

And the question being taken thereon, it was decided in the affirmative.

Ordered, That the committee prepare and bring in a bill in accordance with the prayer of said petition.

Whereupon, Mr. Peters, from said committee, reported a bill divorcing Mary E. Levi,

Which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Shawhan and J. Speed Smith, were as follows, viz:

Those who voted in the affirmative, were---

Mr. Speaker,	Gano,	Peters,
Messrs. Abbett,	Gardner,	Pope,
Alexander,	Glenn,	Railey,
Barkley,	Glover,	Riley,
Barlow,	Gore,	Rodman,
Begley,	Haggard,	Root,
Botts,	Hatfield,	Seaton,
Bowling, G.	Hay,	Short,
Bowling, R. C.	Head,	Smith, E.
Breeden,	Headley,	Smith, J.
Brown,	Hughes,	Smith, J. Speed,
Brooks,	Jackson,	Sparks,
Cessna,	Johnston, A.	Speed,
Combs, J.	Jones,	Stone, B.
Combs, L.	Kelly,	Thomas, A. W.
Conner,	Lapsley,	Thomas, W.
Dallam,	Layne,	Thurston,
Darnaby,	Mayhall,	Walker,
Dudley,	Mayes,	Wallace.
Duncan,	Maxey,	Waller,
Evans,	McCampbell,	Wheat,

Fallis,
Ford,
Finnell,

Mills,
Miller,
Myers,

Whitlock,
Whitsett—71.

Those who voted in the negative, were—

Messrs. Brasher,
Clack,
Cleaveland,
Cox,
Desha,
Elliott,
Harlan,

Hardy,
Hunton,
Johnson, D. B.
McKellup,
Murray,
Orndorff,
Orr,

Priest,
Purdum,
Reid,
Shawhan,
Stevenson,
Stone, S.
Wortham—21.

Resolved, That the title thereof be as aforesaid.

The House again resolved itself into a committee of the whole, Mr. Glenn in the Chair, on the contested election from the county of Boone; and after some time spent therein, the Speaker resumed the Chair, when Mr. Glenn reported, that the committee had, according to order, had under consideration, the subject aforesaid, and had instructed him to report to the House the resolutions proposed by the majority of the committee; which he handed in at the Clerk's table.

Mr. Cox moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the resolutions be concurred in? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Abbett and Shawhan, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Alexander,
Barkley,
Botts,
Bowling, R. C.
Breedon,
Brown,
Brooks,
Clack,
Combs, J.
Combs, L.
Cox,
Dallam,
Darnaby,
Duncan,
Evans,
Ford,
Finnell,
Glover,

Gore,
Haggard,
Harlan,
Hay,
Howell,
Hughes,
Hunton,
Jackson,
Jones,
Kelly,
Layne,
Mayhall,
Mayes,
Maxey,
McCampbell,
McKellup,
Mills,
Myers,

Orndorff,
Pope,
Railey,
Reid,
Riley,
Seaton,
Smith, J.
Smith, J. Speed
Sparks,
Speed,
Stone, B.
Thomas, W.
Thurston,
Wallace,
Waller,
Wheat,
Whitsett,
Wortham—55.

Those who voted in the negative, were—

Messrs. Abbett,	Elliott,	Murray,
Anthony,	Fallis,	Orr,
Barlow,	Gano,	Peters,
Begley,	Gardner,	Priest,
Bowling, G.	Hardy,	Rodman,
Brawner.	Hatfield,	Root,
Cessna,	Head,	Shawhan,
Clarke,	Headley,	Short,
Cleaveland,	Johnson, D. B.	Stevenson,
Conner,	Johnston, A.	Thomas, A. W.
Desha,	Lapsley,	Walker,
Dudley,	Miller,	Whitlock—36.

And then the House adjourned.

SATURDAY, JANUARY 17, 1846.

A message was received from the Senate, announcing the passage of bills from this House, of the following titles, viz;

An act incorporating the Sons of Temperance, under the title of "Covington Division No. 1, Sons of Temperance of the State of Kentucky," located in the city of Covington.

An act to amend an act, entitled, an act for the benefit of the Grand and Subordinate Lodges of the Independent Order of Odd Fellows, and for the benefit of Washington Lodge, No. 3, in the city of Covington.

An act to regulate the terms of the Larue Circuit Court.

An act to amend an act providing for a change of venue in the prosecution against Joseph N. Allen, approved January 22, 1845.

An act establishing a chancery term of the Montgomery Circuit Court.

An act to change the names of John Holley, Hezekiah Ashley, and Aurelius Valerion Grigsby.

An act for the benefit of Gideon S. and Susan Mary Mims, infant heirs of Gideon Mims, deceased.

With amendments to the last named bill.

And that they had passed bills of the following titles, viz:

An act to amend the penal laws.

An act permitting mill dams to be erected on Little Sandy river, under certain restrictions.

An act to amend the charter of the Louisville and Elizabethtown Turnpike Road Company, and provide for the erection of a bridge across Salt river, at the mouth.

An act providing for a change of venue in the prosecution against Henry Green.

An act for the benefit of Napoleon B. Burks and Eliza Jane Burks, his wife.

An act for the benefit of the Marine Railways in the town of Paducah.

An act to appoint Commissioners to collect the debts due the Farmer's Bank of Somerset, and pay the same to its creditors.

An act permitting Robert Prator to build a mill dam across Licking river, in Morgan county.

1. Mr. Hardy presented the petition of Joseph Read, committee of William P. Mitchell, a lunatic of Barren county, praying that a part of his real estate be sold to pay the debts of said Lunatic.

2. Mr. Brawner presented the petition of John Hunt, praying permission to peddle goods in certain counties, without license.

Which were received, the reading dispensed with, and referred, the 1st to the committee on the Judiciary, and the 2d to the committee on Ways and Means.

A message was received from the Senate, by Mr. Fox, announcing that they had passed a bill, entitled, an act to divorce John Kincaid, Jr., and Martha S. Kincaid, his wife, and to restore her to her maiden name.

The said bill was then read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision, and second and third readings of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. James N. Stephens, the member decided by this House to be the member elect from the county of Boone, appeared, and having taken the oath required by the Constitution of the United States, and Constitution and Laws of this State, took his seat.

On motion of Mr. S. Stone,

Ordered, That the committee on Propositions and Grievances be permitted to sit during the session of the House.

On motion of Mr. Cox,

Ordered, That leave of absence, until Wednesday next, be granted Mr. Stevenson, and that he be excused from serving on the committee appointed on the memorial of sundry citizens of Carter county, praying for the removal of George W. Kouns, a Justice of the Peace for said county.

Ordered, That Mr. Gano be appointed on said committee.

On motion of Mr. Desha,

Ordered, That leave of absence, till Monday next, be granted Mr. Hunton.

Mr. Dallam, from the committee on Enrollments, reported that the committee had examined an enrolled bill which originated in the Senate, entitled, an act to divorce John Kincaid, Jr., and Martha S. Kincaid, his wife, and to restore her to her maiden name, and had found the same truly enrolled.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Dallam inform the Senate thereof.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz :

By Mr. D. B. Johnson—1. A bill to establish the town of Milton, and for other purposes.

By Mr. E. Smith—2. A bill to amend the act of 1833, prohibiting the importation of slaves into this Commonwealth.

By Mr. Botts—3. A bill for the benefit of Elizabeth Wathen.

By Mr. S. Stone—4. A bill to amend the law upon the subject of divorces.

By Mr. Peters—5. A bill to amend the law regulating the Court of Appeals.

By Mr. Cox—6. A bill to incorporate the town of Hillsboro', in Fleming county.

By Mr. G. Bowling—7. A bill for the benefit of Alexander Strong, of Breathitt county.

By Mr. Duncan—8. A bill to amend the charter of the Agricultural Society of Bourbon county.

By Mr. J. Speed Smith—9. A bill to establish a precinct at Friendship school house, in Madison county, and for other purposes.

By Mr. Abbett—10. A bill to abolish an election precinct in Gallatin county, and for other purposes.

By Mr. Mayes—11. A bill to change the State road from Paducah to Gray's ferry, on the Tennessee river.

By Mr. Root—12. A bill for the benefit of Common Schools in this Commonwealth.

By Mr. Anthony—13. A bill to repeal the law limiting the number of Justices of the Peace in Simpson county to ten.

By Mr. J. Combs—14. A bill for the benefit of Preston F. Samuels.

By Mr. Thurston—15. A bill to change name of William Oden Smith to Markham Oden Smith, and to change the name of Ephraim Pendleton.

By Mr. J. Smith—16. A bill to amend the penal laws.

By Mr. G. Bowling—17. A bill to change the places of voting in election precincts in the counties of Breathitt and Clay.

By Mr. Clarke—18. A bill to change the place of voting in the Donaldson precinct, in Caldwell county.

By Mr. Abbett—19. A bill for the benefit of William Dean, and others.

By Mr. Haggard—20. A bill for the benefit of wool growers.

By Mr. Mayes—21. A bill to place the State road leading from Moss' ferry, on the Tennessee river, to Waidsboro' under the control of the Marshall County Court.

By same—22. A bill to limit the elections in Calloway and Marshall counties to one day.

By Mr. L. Combs—23. A bill to exempt the wages of journeymen mechanics and laboring men from garnishment for debt.

By Mr. Cox—24. A bill to incorporate the Blue Lick Hotel and Water Company.

By same—25. A bill to change the name of a place in Madison county, from Arcadia to that of Rogersville.

By Mr. Seaton—26. A bill for the benefit of John Young, Surveyor of Greenup county.

By Mr. Dudley—27. A bill to establish a Public Seminary in the town of Hickman, and the erection of a Levee on the Mississippi river, in the county of Fulton.

By Mr. Brown—28. A bill for the benefit of the children of Achilles Moreman.

By Mr. Mayhall—29. A bill for the benefit of landlord and tenant.

By same—30. A bill to protect the citizens of this Commonwealth against Impyrical or Quack Physicians.

By same—31. A bill for the benefit of jurors in trying the right of property.

By same—32. A bill to amend the laws in relation to public roads.

By Mr. Desha—33. A bill for the benefit of Nathan Marsh.

By Mr. Maxey—34. A bill to change the place of voting in an election precinct in Hart county.

By Mr. Stevenson—35. A bill to amend an act, entitled, an act to amend the laws upon the subject of pedlers, approved 7th of February, 1845.

By Mr. E. Smith—36. A bill for the benefit of Hiram Begley.

By Mr. R. C. Bowling—37. A bill to repeal the law exempting specific property from execution, and reviving the law exempting two hundred and fifty dollars from execution.

By Mr. Orndorff—38. A bill to change the names of George W. and Thomas J. Gallaher.

By the committee on the Judiciary—39. A bill to prevent the sale of spirituous liquors within the town of Lagrange, and one mile therefrom.

Which were read the first time and ordered to be read a second time.

The rule of the House, constitutional provision, and second reading of said bills having been dispensed with, the 1st, 6th, 8th, 9th, 10th, 11th,

13th, 15th, 17th, 18th, 21st, 25th, 26th, 28th, 34th, 36th, 38th, and 39th were severally ordered to be engrossed and read a third time; the 2d, 3d, 5th, 14th, 16th, 22d, 23d, 27th, 29th, 30th, 31st, and 37th were referred to the committee on the Judiciary; the 4th to the committee on Religion; the 7th and 32d to the committee on Internal Improvement; the 12th to the committee on Education; the 19th and 33d to the committee on the Library; the 20th to the committee on Agriculture and Manufactures; and the 35th to the committee on Ways and Means.

The rule of the House, constitutional provision and third reading of the 1st, 6th, 8th, 9th, 10th, 11th, 13th, 15th, 17th, 18th, 21st, 25th, 26th, 28th, 34th, 36th, 38th, and 39th bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Public Printer forthwith print 150 copies of the 5th and 12th bills for the use of the members of the General Assembly.

At 2 o'clock P. M. Mr. Abbett moved an adjournment.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Glenn and J. Speed Smith, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Abbett,	Gore,	Priest,
Alexander,	Haggard,	Railey,
Begley,	Hatfield,	Reid,
Bowling, R. C.	Hay,	Riley,
Browner,	Headley,	Rodman,
Brown,	Howell,	Seaton,
Cessna,	Hughes,	Smith, J. Speed
Clack,	Jackson,	Stephens,
Clarke,	Johnston, A.	Sparks,
Cleaveland,	Jones,	Stevenson,
Conner,	Kelly,	Stone, B.
Desha,	Layne,	Stone, S.
Dudley,	McKellup,	Thomas, A. W.
Evans,	Murray,	Thomas, W.
Fallis,	Myers,	Thurston,
Ford,	Orndorff,	Waller,
Finnell,	Orr,	Wheat,
Gano,	Peters,	Whitlock—56.
Glover,	Pope,	

Those who voted in the negative, were—

Mr. Speaker,	Duncan,	Maxey,
Messrs. Anthony,	Elliott,	Mills,
Barlow,	Gardner,	Short,

Botts,
Bowling, G.
Brooks,
Combs, J.
Cox,
Darnaby,

Glenn,
Harlan,
Hardy,
Head,
Mayhall,
Mayes,

Speed,
Walker,
Wallace,
Whitsett,
Wortham—26.

MONDAY, JANUARY 19, 1846.

A message was received from the Senate, announcing the passage of bills from this House. of the following titles, viz:

An act for the benefit of the infant heirs of G. W. Wall, deceased.

An act to change the venue in the prosecution against Amon C. Hale.

An act for the benefit of Urban E. Kennedy and Achsah H. Kennedy, of Todd county.

An act for the benefit of the heirs of Elisha Franklin, deceased.

An act for the relief of Francis Machen.

An act for the benefit of the children of William M. Taylor.

An act for the benefit of Susan Ann D. Young, and her children.

An act for the benefit of John Dennis' wife and children.

An act for the benefit of Milton King, Clerk of the Cumberland County and Circuit Courts.

With an amendment to the last named bill.

That they had passed bills of the following titles, viz:

An act requiring certain duties of Justices of the Peace.

An act for the benefit of William Wadlington, of Caldwell county.

And had received official information from the Governor, announcing that he had approved and signed an enrolled bill which originated in the Senate, entitled, an act to divorce John Kincaid and Martha S. Kincaid, and to restore her to her maiden name.

Approved, January 17, 1846.

1. Mr. Clarke presented the remonstrance of sundry citizens of Caldwell county, against the division of said county.

2. Mr. Kelly presented the petition of William Morrow, and others, praying the passage of a law establishing a town on the lands of said Morrow, in Christian county.

3. Also, the petition of Thomas M. Buck, praying an extension of the limits of the town of Hopkinsville,

4. Mr. Hughes presented the petition of William Spalding, Executor of Benedict W. Drury, deceased, praying the passage of a law authorizing a sale of certain real estate of said deceased.

5. Mr. Miller presented the petition of Thomas Starke, praying to be divorced from his wife, Nancy Starke.

6. Mr. G. Bowling presented the remonstrance of sundry citizens of Morgan county, against any division or curtailing the boundary of said county.

7. Mr. Abbett presented the petition of Charles W. Reser, praying to be divorced from his wife, Susannah Reser.

8. Mr. Thurston presented the petition of J. T. Ware, Lieut. Colonel of the 71st Regiment of Kentucky militia, praying the passage of a law permitting the officers of said Regiment to hold their Courts of Assessment and Appeals in the town of Paris.

9. Mr. Breeden presented the petition of sundry citizens of Mason county, praying an amendment to the militia laws.

10. The Speaker laid before the House a communication from Robert Lytle, in relation to the administration of Justice in the Courts of this State.

11. Also, the petition of Wm. B. Smith, praying permission to bring into this State, certain slaves.

12. Also, the petition of John D. Blackford, praying that compensation be made him for taking a lunatic to the Asylum at Lexington.

13. Mr. Harlan presented the petition of Augustine B. Offutt, praying that compensation be made him for services rendered in endeavoring to apprehend a fugitive from justice.

14. Mr. Clack presented the petition of sundry citizens of Flemingsburg, praying the passage of a law incorporating an engine company in said town.

15. Mr. L. Combs presented the petition of the Board of Council of the city of Lexington, praying a repeal of the act to amend the charter of said city, approved 29th January, 1845.

16. Also, the petition of the officers of the 42d Regiment Kentucky militia, praying a repeal of the act establishing the Fayette Legion,

17. Mr. Gardner presented the petition of sundry citizens of Edmonson county, praying a change in the place of voting in an election precinct in said county.

18. Mr. Mills presented the petition of John Hart, praying a ratification of a sale of certain real estate of the estate of Childress Hart, deceased, made under a decree of the Wayne Circuit Court.

19. Mr. Jackson presented the petition of the citizens of Midway, praying the passage of a law incorporating said town.

Which were received, the reading dispensed with, and referred, the 1st,

3d, and 6th to the committee on Propositions and Grievances; the 2d, 4th, 10th, 11th, 14th, 15th, 18th, and 19th to the committee on the Judiciary; the 5th and 7th to the committee on Religion; the 8th, 9th, and 16th to the committee on Military Affairs; the 12th and 13th to the committee on Claims; and the 17th to the committee on Privileges and Elections.

The Speaker laid before the House a communication from James N. Stephens, which is as follows, viz:

FRANKFORT, KY., *January 17, 1846,* }
Saturday Evening. }

To the Hon. J. R. UNDERWOOD,

Speaker of the House of Representatives of the Commonwealth of Ky.:

Be good enough to lay before the House over which you have the honor to preside, my resignation of my seat as a member of that honorable body, from the county of Boone, which seat I hold under the resolutions adopted on yesterday, the result of the contest between Geo. W. Brasher and myself.

I am constrained to adopt this course from an earnest desire to refer again to the people of Boone, the question as to who shall represent them.

This course I proposed to Mr. Brasher soon after the election in August last. For reasons best known to himself, he saw fit to decline my proposition. I then began the contest, which on yesterday resulted in my favor. But being unwilling to hold the seat under the circumstances, lest some may say I obtained it unfairly, I shall again appeal to the people, in whose decision I shall acquiesce.

I have the honor to be, &c.

Your obedient servant,

JAMES N. STEPHENS.

Whereupon, Mr. Finnell moved the following resolution, viz:

Resolved, That a writ of election issue to the Sheriff of Boone county, signed by the Speaker of this House and attested by its Clerk, commanding said Sheriff to hold an election on the 26th inst., which shall be continued for three days, if either of the candidates shall request it, for the election of a Representative for said county, to serve the remainder of the present session.

Which was adopted.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Botts—1. A bill to amend the penal laws.

By Mr. Orr—2. A bill for the benefit of Smith Wingate and Charles Horseman.

By same—3. A bill to regulate the Owen County Court, and for other purposes.

By Mr. Glenn—4. A bill further to protect the rights of married women.

By same—5. A bill to establish a State Bank for revenue purposes.

By Mr. Hughes—6. A bill to re-model and change the Judicial Districts, and equalize the labor of the Circuit Judges.

By Mr. Mills—7. A bill to allow an additional Constable to the county of Wayne.

By Mr. Myers—8. A bill for the benefit of Thomas M. Gibson, and others.

By Mr. Hunton—9. A bill in relation to keeping the public roads, in Clarke and Todd counties, in repair.

By the committee on Ways and Means—10. A bill for the benefit of Richard H. Ranson.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, was referred to the committee on the Judiciary; the 2d, 3d, 7th, 8th, 9th, and 10th were severally ordered to be engrossed and read a third time; the 4th was made the special order of the day for Tuesday the 27th instant; the 5th was referred to the committee on Ways and Means; and the 6th was referred to the committee of the whole House for Thursday, the 29th instant.

The rule of the House, constitutional provision and third reading of the 2d, 3d, 7th, 8th, 9th, and 10th bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Public Printer forthwith print 150 copies of the 4th bill for the use of the members of the General Assembly.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Hughes—A bill to change the times of holding the Circuit Courts of Boone, Kenton, Campbell, Harrison, Pendleton, Grant, Livingston, Caldwell, Crittenden, and Hopkins.

On the motion of Mr. S. Stone—A bill for the benefit of William Lair, late Sheriff of Russell county, and his securities.

On the motion of Mr. W. Thomas—A bill to amend the charter of the town of Paducah.

Ordered, That the committee on the Judiciary prepare and bring in the same.

The Speaker laid before the House the annual report of the Board of Visitors of the Kentucky Institution for the Education of the Blind, which is as follows, viz:

[*For Report—see Legislative Documents.*]

Ordered, That the Public Printer forthwith print 200 copies of said report for the use of the members of this House.

A message was received from the Senate, by Mr. Helm, asking leave to withdraw their report, announcing their disagreement to a bill from this House, entitled, an act divorcing Alley Martin from her husband; which was granted and the bill was withdrawn.

Mr. L. Combs, from the committee on Ways and Means, to whom was referred the petition of Jackson Wilkins, and the petition of H. Scofield, reported the same with the following resolution:

Resolved, That said petitions be rejected.

Which was concurred in.

A message was received from the Senate, by Mr. Slaughter, asking leave to withdraw their report announcing their disagreement to a bill from this House, entitled, an act to divorce Joseph Miller from his wife; which was granted and the bill withdrawn.

Mr. L. Combs, from the committee on Ways and Means, to whom was referred leave to bring in a bill to exempt hacks from the provision of the law taxing pleasure carriages, asked to be discharged from the further consideration thereof.

And after some discussion had thereon, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

Ordered, That the message of the Governor, vetoing the bill, entitled, an act for the benefit of W. T. Samuels, be postponed until Wednesday next.

Bills from the Senate of the following titles, viz:

1. An act for the benefit of William Skaggs, Sheriff of Green county.
2. An act for the benefit of Edward Lewis, late Sheriff of Green county.
3. An act for the benefit of Jonathan Davis, of Allen county, and Raleigh Watson, of Morgan county.
4. An act for the benefit of William Davis, late Sheriff of Clinton county.
5. An act for the benefit of Albert Allen and Ann E. Allen, his wife.
6. An act for the benefit of Louisa Ann Coleman, and Charles H. Kenner, and Marcus M. Kenner.
7. An act for the benefit of John Thomas.
8. An act to change the venue in the prosecution against Milton Martin, indicted for felony.
9. An act to amend an act in relation to the county line of Floyd county.
10. An act for the benefit of William Adcock, and others.
11. An act for the benefit of Nathan Board, and others.
12. An act providing for a change of venue in the prosecution against Robert Simmons, in the Allen Circuit Court.
13. An act for the benefit of Philip Lightfoot, Sheriff of Breckinridge county.
14. An act for the benefit of William Price, of Oldham county.
15. An act for the benefit of the School Commissioners of Fayette county.
16. An act for the benefit of Quintus C. Shanks and Justinian C. Harris, late Sheriffs of Ohio county, and the Sheriff of Muhlenburg county.
17. An act for the benefit of Thomas McIntyre, of Mercer county.
18. An act to amend the charter of the Glasgow and Scottville Turnpike Road Company.

Which were read the first time, and ordered to be read the second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2d, 3d, 4th, 8th, 10th, 15th, 16th, and 17th bills were severally ordered to be read a third time; the 5th, 6th, and 12th were referred to the committee on the Judiciary; the 7th to the committee on Ways and Means; the 11th, 13th, and 14th to the committee on Claims; the 18th to the committee on Internal Improvement; and the 9th to the committee on Propositions and Grievances.

The rule of the House, constitutional provision, and third reading of the 1st, 2d, 3d, 4th, 5th, 10th, 15th, 16th, and 17th bills having been dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the Senate, of the following titles, viz:

An act providing for a change of venue in the prosecution against Garrett Fitzpatrick.

An act for the benefit of Joseph A. Radford and Louisa J. Radford,

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with,

The said bills were then amended.

Ordered, That said bills, as amended, be read a third time.

The rule of the House, constitutional provision, and third reading of said bills having been dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A bill from the Senate, entitled, an act to change the time of the meeting of the General Assembly, was read the first time.

And the question being taken on reading said bill a second time, it was decided in the negative, and so said bill was disagreed to.

A bill from the Senate, entitled, an act to change the Russell and Clinton county line,

Was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision, and second reading of said bill having been dispensed with,

Ordered, That said bill be read a third time.

A bill from the Senate, entitled, an act to continue in force the 20th section of an act to amend the charters of the Banks of Kentucky, approved 8th March, 1843, was read the first time.

Ordered, That said bill be laid on the table.

And then the House adjourned.

TUESDAY, JANUARY 20, 1846.

A message was received from the Senate, announcing the passage of bills of the following titles, viz:

An act for the benefit of James W. Prater and Erastus Evans.

An act to amend the act, entitled, an act to incorporate the Louisville and Bonharbour Coal Company, approved January 28, 1833.

An act for the benefit of Lewis Barrett and John Wyatte.

1. Mr. E. Smith presented the remonstrance of sundry citizens of Owsley county, against the removal of the Seat of Justice of said county.

2. Mr. Kelly presented the petition of the Trustees of the town of Hopkinsville, praying an extension of the limits thereof.

3. Mr. Brown presented the petition of sundry citizens of Jefferson county, praying the establishment of a new county out of parts of said county, and the counties of Bullitt, Meade, and Hardin.

4. Mr. Moore presented the petition of J. G. Floyd, praying the passage of a law authorizing the Register of the Land Office to issue a patent to the heirs of Gabriel Maupin, deceased, for certain lands.

5. Mr. Sparks presented the petition of J. Renfro, praying the passage of a law regulating the tolls on the Wilderness Turnpike Road.

6. Mr. Gore presented the petition of Turner Wilson, praying permission to erect a fish trap on Beech Fork, in Nelson county.

7. Mr. Dudley presented the petition of the members of the bar and officers of the county of Ballard, praying an extension of the terms of the Circuit Court of said county.

8. Mr. Harlan presented the petition of William H. Grant, praying to be divorced from his wife, Emily Grant.

9. Also, the petition of Maria T. Taylor, praying to be divorced from her husband, Ebenezer Taylor.

10. Mr. Myers presented the petition of James D. Milner, of Harrison county, praying that his residence may be added to the county of Grant.

11. Mr. Brawner presented the petition of Pleasant Meadows and Sarah, his wife, praying to be divorced from each other.

12. Mr. L. Combs presented the petition of Charles S. Boswell, praying the passage of a law allowing his guardian to surrender to him possession of his property, and making him competent to receipt for the same.

13. Also, the petition of Lafayette Shelby, praying a change of venue in the prosecution against him for killing Henry Horine.

14. Mr. Mason presented the petition of John Bussing, praying that compensation be made him for timbers lost by reason of the obstruction in the Kentucky river, occasioned by Lock and Dam, No. 5, while in progress of construction.

15. The Speaker laid before the House the petition of Frederick Patter, praying an extension of the time given for completing mills, in order that he may have time to complete his mill, now in progress of construction.

Which were received, the reading thereof dispensed with, and referred, the 1st, 2d, 3d, and 10th to the committee on Propositions and Grievances; the 4th, 7th, 12th, 13th, and 15th to the committee on the Judiciary; the 5th, 6th, and 14th to the committee on Internal Improvement; the 8th, 9th, and 11th to the committee on Religion.

The Speaker laid before the House the response of the President of the Board of Internal Improvement, to the resolution from this House of the 7th instant, which is as follows, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
January, 1846. }

SIR:

In obedience to a resolution of the House of Representatives of the 7th instant, I have the honor, respectfully, to submit the following report:

That the whole amount appropriated to the works on Licking river, was \$520,000. A part only of the sum thus *appropriated by acts of the Legislature*, was furnished to the Board. It will be seen that the original contracts upon Licking were entered into at a date much later than the contracts upon the other lines of navigation. Some of them had to be let and re-let; and the contracts for Nos. 6 and 7, had to be abandoned. Owing to these causes, the works upon this line had advanced more slowly than upon the others, when it was ascertained that the Sinking Fund might fail to meet the interest upon additional issues of the State Bonds—for the want of which, the works upon this stream had to be suspended. The whole amount *applied* to the works upon Licking, including the cost of removing obstructions, near its mouth, in the Ohio; of hydraulic lime; of clearing the river banks; the amount lost upon the contracts which were abandoned; of perishable materials, &c., is \$371,837 95.

There has been paid to the five lower Contractors \$316,380 09. Deduct from this sum the cost of perishable and lost materials, including irons, &c., brought away for the use of the other rivers, and allowances made to Contractors consequent upon the suspension of their works, being \$29,778 50, and the remainder, which may *appear to be available* in progressing with the works, is \$286,601 50.

The *actual available value* of this investment, at this time, to the progress of the work, would, it is evident, be much less than the sum last above mentioned. The same work could now be performed, with the advantages of experience, the reduced price of labor, provisions and materials, it is fair to presume, with something like \$200,000—especially if we take into consideration the probable dilapidation of some portions of the work, together with

the cost of removing probable lodgements of mud and sediment about the Locks.

To finish these five Locks and Dams, will probably cost about \$200,000.

To finish the 16 upper Locks, about \$75,000 each, or the aggregate sum of \$1,120,000; making the sum total, to complete the navigation up to West Liberty, \$1,320,000.

This sum, it is believed, may be considerably reduced, by declining to require the *Lock walls* to be constructed as required by former estimates and contracts.

By declining to boat the free stone to make fine cut work, either down the Ohio, as formerly, and hauling them ten or twelve miles across the hills, or to bring them from quarries an hundred or more miles up Licking; and by constructing the Locks with the rough material, to be had in such abundance upon the banks of the river below, those rough walls to be lined with thick plank, the work could, unquestionably, be constructed at prices much below former estimates. It is true, that the quarries which were opened up the river, furnish, in inexhaustible quantities, of easy and convenient access, the finest, and perhaps the very best rock, to be found in this country, for Locks of superior workmanship. But the risk of boating them so great a distance, is too great to justify the attempt. For the construction of the Locks in the vicinity of those quarries, they will be of incalculable value either for fine or rough work, as may be determined upon. All of which, is respectfully submitted to the honorable House of Representatives, by their obedient servant,

THOMAS METCALFE, *P. B. I. I.*

HON. JOSEPH R. UNDERWOOD,

Speaker of the House of Representatives.

Ordered, That said response be referred to the committee on Internal Improvement, and that the Public Printer forthwith print 150 copies of said response for the use of the members of the General Assembly.

Mr. Riley, from the committee on Enrollments, reported that the committee had examined an enrolled bill which originated in this House, entitled, an act divorcing Mary Hancock and Sarah Ann Doneghy, and had found the same truly enrolled.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Riley inform the Senate thereof.

Mr. E. Smith moved the following resolutions, viz:

Resolved, That the committee on the Penitentiary enquire into the mode of discipline in the Penitentiary, and the number of hours the convicts are employed in each day.

Resolved, further, That said committee be further instructed to enquire into the expediency of prohibiting slaves being deposited in the Penitentiary for safe keeping.

Which were adopted.

Mr. L. Combs moved the following resolution, viz:

Resolved, That the Bank committee to Louisville, be instructed, also, to visit, examine, and report upon the situation of the Marine Hospital at that

place; how the money heretofore appropriated has been expended, as well as its present annual income and expenditure.

Mr. E. Smith moved to amend said resolution by adding the following, viz:

Resolved, That said committee be instructed to confer with the Louisville Bank and the Northern Bank, whether they could not establish a Branch Bank in the South East section of the State, for the accommodation of the mountain section of that part of the State, with a capital of one hundred thousand dollars.

Mr. Barkley moved to amend said amendment by adding thereto the following, viz:

Resolved, That the committee on Banks be instructed to enquire into the expediency of reporting a bill requiring the officers of all Insurance Companies, chartered by the Kentucky Legislature, to make annual exhibits of the condition of their respective companies.

On motion,

Ordered, That said resolution and amendments be laid on the table.

The House again resumed the consideration of the report of the committee on Ways and Means, asking to be discharged from the further consideration of a leave to bring in a bill to exempt hacks from the provisions of the law taxing pleasure carriages.

And the question being taken thereon, it was decided in the affirmative.

Mr. L. Combs, from the committee on Ways and Means, to whom was referred a bill to appropriate Commonwealth's fines to the improvement of public roads, reported the same without amendment.

And the question being taken on ordering said bill to be engrossed and read a third time, it was decided in the negative, and so said bill was rejected.

Mr. L. Combs, from the committee on Ways and Means, who were appointed to prepare and bring in the same, reported the following bills, viz:

1. A bill for the benefit of the County Court of Livingston county, and for other purposes.

2. A bill for the benefit of John Ralls.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision, and second reading of said bills having been dispensed with, the said bills were severally ordered to be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the first bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that he had approved and signed an enrolled bill which originated in this House, entitled, an act divorcing Mary Hancock and Sarah Ann Doneghy.

Approved January 20, 1846.

Mr. Clarke moved the following resolution, viz:

Resolved, That a committee of this House, consisting of three, be appointed to wait upon Mr. Lawrence, and invite him to deliver a lecture on Geology, at such time as may suit his convenience; and that the Hall of Representatives be tendered to him for that purpose.

Which was adopted.

Whereupon, Messrs. Clarke, Glover, and Cox were appointed a committee in pursuance of said resolution.

The House again resolved itself into a committee of the whole, Mr. Kelly in the Chair, on the bill to tax duelling pistols, bowie knives, and other deadly weapons; and after some time spent therein, the Speaker resumed the Chair, when Mr. Kelly reported that the committee had, according to order, had under consideration, the bill aforesaid, and had adopted sundry amendments thereto; which he handed in at the Clerk's table.

The said amendments were then concurred in.

Mr. E. Smith moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the bill, as amended, be engrossed and read a third time? and it was decided in the affirmative.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Brown presented the petition of sundry citizens of Bullitt county, praying for the formation of a new county out of part of said county, and the counties of Jefferson, Meade, and Hardin; which was received, the reading dispensed with, and referred to the committee on Propositions and Grievances.

And then the House adjourned.

WEDNESDAY, JANUARY 21, 1846.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled, an act divorcing Alley Martin from her husband.

That they had passed a bill from this House, entitled, an act divorcing Mary E. Levi.

And had passed bills of the following titles, viz:

An act to amend the duelling laws.

An act to authorize the committing of criminals in Scott county, to the jails of the adjoining counties.

1. Mr. Anthony presented the remonstrance of sundry citizens of Allen county, against the establishment of a new county out of parts of said county and the counties of Barren and Monroe.

2. Also, the petition of Catlett C. Stark, praying to be divorced from his wife, Lucy S. Stark.

3. Mr. Reid presented the petition of the Trustees and Elders of the first Presbyterian Church of Shelbyville, praying the passage of a law authorizing a sale of certain real estate belonging to said Church.

4. Mr. Barlow presented the petition of James McMillin, praying the passage of a law releasing him from all liability upon a claim alledged to have been drawn from the Treasury of the State, in favor of Wm. Butler, Clerk of the County Court of Monroe.

5. Mr. Speed presented the petition of John Newby, praying the passage of a law granting him certain lands, which have been forfeited to the State.

6. Mr. Conner presented the petition of sundry citizens of Bath county, praying that an additional Justice of the Peace be allowed to said county.

7. Mr. Root presented the petition of sundry citizens of the town of Newport, praying a reduction in the number of Trustees thereof.

8. Mr. Hardy presented the petition of George W. Pointer, praying that his wife, who is under age, may be empowered to convey real estate.

9. Mr. G. Bowling presented the petition of sundry citizens of the counties of Morgan, Bath, and Montgomery, praying the establishment of a new county out of parts thereof.

10. Mr. Harlan presented the petition of John Tilford, praying an amendment of the law of last session for his benefit.

Which were received, the reading thereof dispensed with, and referred, the 1st, 6th, and 9th, to the committee on Propositions and Grievances; the 2d to the committee on Religion; the 3d to Messrs. Reid, Hardy, and Botts; the 4th and 5th to the committee on Claims; the 7th to Messrs. Root, Cleaveland, and Cessna; the 8th and 10th to the committee on the Judiciary.

Mr. Dallam, from the committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House of the following titles, and had found the same truly enrolled, viz:

An act for the relief of Francis Machen.

An act for the benefit of the heirs of Elisha Franklin, deceased.

An act to change the venue in the prosecution against Amon C. Hale.

An act for the benefit of the infant heirs of G. W. Wall, deceased.

An act for the benefit of Susan Ann D. Young, and her children.

An act for the benefit of John Dennis' wife and children.

An act to regulate the terms of the Larue Circuit Court.

An act establishing a chancery term of the Montgomery Circuit Court.

An act to change the names of John Holley, Hezekiah Ashley, and Aurelius Valerion Grigsby.

An act to amend an act providing for a change of venue in the prosecution against Joseph N. Allen, approved January 22, 1845.

An act incorporating the Sons of Temperance, under the title of "Covington Division No. 1, Sons of Temperance of the State of Kentucky," located in the city of Covington.

An act to amend an act, entitled, an act for the benefit of the Grand and Subordinate Lodges of the Independent Order of Odd Fellows, and for the benefit of Washington Lodge, No. 3, in the city of Covington.

An act for the benefit of Common School District, No. 23, in Caldwell county.

An act concerning the Banks of Kentucky.

An act divorcing Mary E. Levi.

An act for the benefit of Urban E. Kennedy and Achsah H. Kennedy, of Todd county.

An act for the benefit of the children of William M. Taylor.

That the committee had also examined enrolled bills which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of William Skaggs, Sheriff of Green county.

An act for the benefit of Edward Lewis, late Sheriff of Green county.

An act for the benefit of the School Commissioners of Fayette county.

An act for the benefit of Quintus C. Shanks and Justinian T. Harris, late Sheriffs of Ohio county, and the Sheriff of Muhlenburg county.

An act for the benefit of William Davis, late Sheriff of Clinton county.

An act for the benefit of William Adcock, and others.

An act for the benefit of Thomas McIntyre, of Mercer county.

An act to change the venue in the prosecution against Milton Martin, indicted for felony.

On motion of Mr. Cox,

Ordered, That he be excused from serving on the committee on Banks.

Whereupon, the Speaker appointed Mr. R. C. Bowling on said committee.

Mr. E. Smith moved the following resolution, viz:

Resolved, That the committee on Banks be instructed to confer with the President and Directors of the Bank of Louisville and the Northern Bank, whether they could not, without detriment, establish a Branch in the South-

eastern part of the State, for the accommodation of the mountain section of that part of the State, with a capital of one hundred thousand dollars.

Mr. Brown moved to amend said resolution by adding the following, viz :

Resolved, That the committee on Banks be required to ascertain of the Banks, whether they cannot, without prejudice to their interests, continue their loans for twelve months, instead of four months, by the borrower renewing at the end of every four months.

Mr. Barkley moved to amend the amendment by adding the following, viz :

Resolved, That the committee on Banks be instructed to enquire into the expediency of bringing in a bill requiring the officers of Insurance Companies, chartered by the Legislature of Kentucky, to make annual reports of the condition of their respective companies.

The question was then taken on the amendment proposed by Mr. Barkley, and decided in the affirmative.

The question was then taken on the amendment proposed by Mr. Brown, as amended, and decided in the affirmative.

The question was then taken on the adoption of the resolution, as amended, and decided in the affirmative.

Mr. Cox, from the committee on Internal Improvement, to whom was referred a bill incorporating the Covington and Cincinnati Bridge Company, reported the same with an amendment, which was disagreed to.

Ordered, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

On motion of Mr. Kelly,

Ordered, That leave of absence, until Monday next, be granted to Mr. Jones.

Mr. Waller read and laid on the table the following resolution, viz :

Resolved by the General Assembly of the Commonwealth of Kentucky, That the joint resolution creating a committee from each House to visit the Lunatic Asylum at Lexington, be so amended as to increase the number composing the committee of the House of Representatives to six.

Mr. S. Stone, from the committee on Propositions and Grievances, to whom was referred the petition of citizens of Hardin, Bullitt, Meade, and Jefferson counties, praying for the formation of a new county, reported the same with the following resolution, viz :

Resolved, That said petition be rejected.

Which was concurred in.

On motion of Mr. Brown,

Ordered, That leave be granted him to withdraw said petition.

Which was granted and it was withdrawn.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Anthony—1. A bill to improve the navigation of Barren river.

On the motion of Mr. J. Combs—2. A bill to legalize the proceedings of the Bullitt County Court.

Ordered, That the committee on Internal Improvement prepare and bring in the first, and the committee on the Judiciary the second.

Mr. Peters, from the committee on Religion, who were appointed to prepare and bring in the same, reported the following bills, viz:

A bill divorcing Thomas Briarly from his wife, Frances Briarly.

A bill divorcing Benjamin M. Griffith from his wife, Mary Ann Griffith.

A bill divorcing Jesse Gee from his wife, Elizabeth Gee.

A bill divorcing Mizella Crow from her husband, Samuel H. Crow.

A bill divorcing Elizabeth Cox.

A bill divorcing Thomas Stark.

A bill divorcing Joseph W. Tate from his wife, Mary C. Tate.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Peters, from the committee on Religion, to whom was referred the petition of James Gray; the petition of Green B. and Mary Tolly; and the petition of Jesse Birkhead, each praying for a divorce, reported the same with the following resolution, viz:

Resolved, That said petitions be rejected.

Which was concurred in.

The Speaker laid before the House a communication from the President of the Board of Internal Improvement, which is as follows, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT, }
January 21st, 1846. }

SIR:

I have the honor to lay before the House of Representatives, the report of this Board upon the claim of W. E. Dixon, for damages done to his property, by the slackwater of the Green river, and to be,

Very respectfully, yours, &c.

THOMAS METCALFE, P. B. I. I.

HON. JOSEPH R. UNDERWOOD,

Speaker of the House of Representatives.

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT, }
 January 21, 1846. }

The Board of Internal Improvement having examined the claim of W. E. Dixon, for damages done to his mill on Big Muddy Creek, in Butler county, by the slackwater from the Green river, report:

That in their opinion the claimant is not entitled to damages from the State. Elijah Porter, one of the witnesses relied on by Mr. Dixon to establish his claim, testifies that he bought the property from said Dixon in 1834, containing 480 acres of land, with the grist and saw mill upon it, for which he gave, or agreed to give, \$1,200; that he (Porter) owned the same until the fall of '36, when he sold it back to said Dixon; "the mill having done a very poor business," &c. during the period of his ownership, owing to the bad repair she was in, &c.

In 1838, according to the information of this Board, Elijah Porter, (the witness before named,) was himself an applicant to the Board of Internal Improvement, for damages done to the same mill, &c.

It may not be material whether Porter sold the property to Dixon in 1836, or in 1838, the time of his claiming damages for it, as his own; because, in either case, the worthless old property was purchased by Dixon some two years or more after the contracts had been made, and the works were in progress upon that river, and this fact, in the opinion of the Board, ought to bar any claim for damages incurred, (if any) by the applicant for new work made by him after that time.

This claim may be worthy of further investigation, to reconcile, if practicable, the inconsistency alluded to; as there are other witnesses, whose testimony is on file in this office, who think the claimant entitled to damages. However that may be, the Board think that, at present, the claim ought to be rejected.

I have the honor to be,

Respectfully, your obedient servant,

THOMAS METCALFE, P. B. I. I.

Ordered, That said communication be referred to the committee on Claims.

The Speaker laid before the House a communication from the Secretary of the Board of Internal Improvement, which is as follows, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT, }
 January 21, 1846. }

Sir:

In answer to enquiry, permit me to state, that in pursuance of an act of the General Assembly, entitled, "an act to authorize a settlement with J. R. Skiles, Henry Shanks, Simpson Stout, Dillis Dyer, and Stephen Ashby," approved 27th February, 1844, the Board of Internal Improvement made the several settlements required by said act, in the month of August, 1844. From an examination of the order book of the Green and Barren River Commissioners, it was ascertained that Mr. Dyer attended 70 meetings of said Board, at various places; that Mr. Ashby attended 69 meetings, at various places; and that Mr. Shanks attended 18 meetings, at various places; (see Legislative Documents of 1844-5, pages 469-471.) The places of

meeting of the Board was frequently distant from the residences of one or more of the Commissioners, and the Board had no means of ascertaining the number of days the Commissioners were respectively engaged in going to and from the several places of meeting; they therefore required each to make a statement, on oath, and agreed to allow them two dollars per day whilst so engaged.

According to the statements made, and on file in this office, they were engaged as follows:

Dillis Dyer, 160 days, at two dollars per day,	-	-	\$320 00
Stephen Ashby, 159 days, at two dollars per day,	-	-	318 00
Henry Shanks, 80 days, at two dollars per day,	-	-	160 00

Mr. Dyer and Mr. Ashby were paid off at the time of the settlement. Mr. Shanks' statement did not come to hand until February, 1845, when the Board had no funds with which to pay him, and the sum adjudged to be due him by the Board remains unpaid.

Very respectfully,

Attest,

AUSTIN P. COX, S. B. I. I.

Ordered, That said communication be referred to the committee on Claims.

Mr. Harlan read and laid on the table the following resolution, viz:

The Secretary of State, in his communication to the General Assembly of the 14th instant, having stated that he had matured a plan for the improvement of the revenue "as to add \$50,000 annually to the Sinking Fund, to reimburse the principal of the State debt in thirty years, and add very little to the burdens of the people,"—therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That the Secretary of State be respectfully requested to communicate his plan for the improvement of the revenue, indicated in his said communication.

The rule of the House requiring joint resolutions to lie one day on the table having been dispensed with, the said resolution was twice read and adopted.

A message was received from the Governor, by Mr. Hardin, Secretary of State, which is as follows, viz:

Gentlemen of the Senate

and House of Representatives:

In my annual message to the present General Assembly, I represented the means of the State, in Bank stocks, by which part of the State debt might be paid, to amount to \$1,270,500.

In that statement I inadvertently omitted to mention that the amount includes \$250,000 of stock in the Northern Bank of Kentucky, which has not been paid for by the State, otherwise than by the execution of like amount of five per cent. State bonds, which are not included in my estimate of the funded debt of the State.

WM. OWSLEY.

A message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that he had approved and signed on this day, an enrolled bill which originated in this House, entitled, an act divorcing Mary E. Levi.

The House then took up for consideration, the message of the Governor of the 12th instant, vetoing a bill for the benefit of William T. Samuels.

The said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it may be lawful for any of the Judges of the Circuit Courts or Justices of the County Courts within this Commonwealth, to appoint William T. Samuels to the office of Clerk thereof, and permit him to execute bond or bonds as such; and such bond or bonds, when executed and acknowledged by the said William T. Samuels and his securities, shall be as binding, and have the same force and effect in law, on him and them, as if the said William T. Samuels was over the age of twenty one years.

The question was then taken on the passage of said bill, the Governor's objection to the contrary notwithstanding, and it was decided in the negative.

The yeas and nays being required thereon by the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Botts,	Harlan,	Smith, J.
Combs, J.	Seaton,	Waller—7.
Dudley,		

Those who voted in the negative, were—

Mr. Speaker,	Gardner,	Myers,
Messrs. Abbott,	Glenn,	Orndorff,
Alexander,	Glover,	Orr,
Barkley,	Gore,	Peters,
Barlow,	Hardy,	Pope,
Barnett,	Hatfield,	Priest,
Begley,	Hay,	Railey,
Bowling, G.	Head,	Reid,
Brawner,	Headley,	Riley,
Brown,	Howell,	Root,
Brooks,	Hunton,	Shawhan,
Cessna,	Jackson,	Short,
Clack,	Johnson, D. B.	Smith, E.
Clarke,	Johnston, A.	Sparks,
Cleaveland,	Kelly,	Speed,
Combs, L.	Lapsley,	Stone, B.
Conner,	Layne,	Stone, S.
Cox,	Mason,	Thomas, A. W.
Dallam,	Mayhall,	Thomas, W.
Darnaby,	Mayes,	Thurston,
Desha,	Maxey,	Walker,
Duncan,	McCampbell,	Wallace,
Evans,	McKellup,	Wheat,
Fallis,	Mills,	Whitlock,
Ford,	Miller,	Wortham—77.
Gano,	Murray,	

The House then resolved itself into a committee of the whole, Mr. Seaton in the Chair, on the bill to reduce the salaries of the Circuit Judges of this Commonwealth, and for other purposes; and after some time spent therein, the Speaker resumed the Chair, when Mr. Seaton reported that the committee had, according to order, had under consideration the bill aforesaid, and had adopted some amendments thereto, which he handed in at the Clerk's table.

The first amendment was then concurred in.

And then the House adjourned.

THURSDAY, JANUARY 22, 1846.

A message was received from the Senate, announcing their concurrence in the amendments proposed by this House, to bills from the Senate, of the following titles, viz:

An act providing for a change of venue in the prosecution against Garrett Fitzpatrick.

An act for the benefit of Joseph A. Radford and Louisa J. Radford,

That they had adopted resolutions from this House in relation to Public Printing, with an amendment.

That they had passed bills from this House, of the following titles, viz:

An act for the relief of Edmund Payne.

An act to change the place of voting in an election precinct in Hart county.

An act to reduce the price of unappropriated land in Madison county.

An act for the benefit of the Sheriff of Perry county.

With amendments to the two last named bill.

That they had passed bills of the following titles, viz:

An act to divorce Elizabeth Wydel.

An act to amend an act, entitled, an act to reduce into one the several acts regulating the town of Nicholasville, approved February 12, 1836.

An act to legalize the proceedings of the Trigg County Court, at the November term, 1845.

1. Mr. Cleveland presented the petition of William Angell, praying the passage of a law allowing him an amount which was withheld from him as a

Commissioner of Tax, in Pendleton county, for failing to return a complete list.

2. Mr. Dallam presented the petition of S. F. Singleton, praying that the amount, or a part thereof, of a pedler's license, paid by him, be refunded.

3. Mr. Abbett presented the petition of Silas Craig, committee for Telitha Easterday, a lunatic, praying the passage of a law authorizing a sale of the real estate of said lunatic.

4. Mr. J. Combs presented the petition of sundry citizens of Bullitt county, praying the establishment of an additional election precinct in said county.

5. Mr. Abbett presented the petition of the School Commissioners of Carroll county, praying the passage of a law allowing them to receive their proportion of the Common School Fund.

6. Mr. Fallis presented the petition of sundry citizens of Henry county, praying to be added to the county of Oldham.

7. Also, the petition of sundry citizens of Henry county, praying an appropriation for the erection of a bridge across Six Mile creek, near its mouth.

8. Mr. A. W. Thomas presented the petition of Alexander McDonald, praying that his claim to two tracts of land may be confirmed.

9. Mr. Peters presented the petition of J. B. Orear, praying that compensation be made him for conveying a lunatic to the Asylum at Lexington.

10. Mr. Pope presented the petition of sundry citizens of Oldham county, praying the passage of a law for the completion of the Lexington and Ohio Railroad, between Frankfort and Louisville.

Which were received, the reading thereof dispensed with, and referred, the 1st and 9th to the committee on Claims; the 2d and 7th to the committee on Ways and Means; the 3d and 8th to the committee on the Judiciary; the 4th to the committee on Privileges and Elections; the 5th to the committee on Education; the 6th to the committee on Propositions and Grievances; and the 10th to the committee on Internal Improvement.

A message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that he had approved and signed enrolled bills which originated in this House, of the following titles, viz :

An act for the relief of Francis Machen.

An act for the benefit of the heirs of Elisha Franklin, deceased.

An act for the benefit of Susan Ann D. Young, and her children.

An act for the benefit of John Dennis' wife and children.

An act to regulate the terms of the Larue Circuit Court.

An act establishing a chancery term of the Montgomery Circuit Court.

An act to change the names of John Holley, Hezekiah Ashley, and Aurelius Valerion Grigsby.

An act to amend an act providing for a change of venue in the prosecution against Joseph N. Allen, approved January 22, 1845.

An act incorporating the Sons of Temperance, under the title of "Covington Division, No. 1, Sons of Temperance of the State of Kentucky," located in the city of Covington.

An act to amend an act, entitled, an act for the benefit of the Grand and Subordinate Lodges of the Independent Order of Odd Fellows, and for the benefit of Washington Lodge, No. 3, in the city of Covington.

An act for the benefit of the infant heirs of G. W. Wall, deceased.

An act to change the venue in the prosecution against Amon C. Hale.

An act for the benefit of Common School District, No. 23, in Caldwell county.

An act concerning the Banks in Kentucky.

An act for the benefit of Urban E. Kennedy and Achsah H. Kennedy, of Todd county.

An act for the benefit of the children of William M. Taylor.

Approved January 21, 1846.

The House took up the resolution read and laid on the table on yesterday, by Mr. Waller.

Which being twice read, was adopted.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Brown—1. A bill to authorize a survey of the town of Elizabethtown, and to define the limits of the same.

On the motion of Mr. Alexander—2. A bill for the benefit of the Sheriff of Meade county.

On the motion of Mr. Desha—3. A bill for the benefit of Lewis Cason.

Ordered. That Messrs. Brown, Gore, Alexander, and Howell prepare and bring in the 1st; Messrs. Alexander, Brown, Kelly, and Waller the 2d; and the committee on the Judiciary the 3d.

Mr. Harlan, from the committee on the Judiciary, to whom was referred a bill from the Senate, entitled, an act for the benefit of Louisa Ann Coleman and Charles H. Kenner, and Marcus M. Kenner, reported the same with an amendment.

Which was concurred in.

Ordered. That said bill, as amended, be read a third time.

The rule of the House, constitutional provision, and third reading of said bill having been dispensed with,

Resolved. That said bill do pass, and that the title thereof be as aforesaid.

Mr. Peters, from the committee on Religion, to whom was referred the petition of Thomas O'Kane, asked to be discharged from the further consideration thereof; which was granted.

Mr. Peters, from the same committee, to whom was referred, a bill to amend the law upon the subject of divorces, reported the same without amendment.

The said bill was then amended.

Ordered, That said bill, as amended, be laid on the table.

Mr. Peters, from the same committee, who were appointed to prepare and bring in the same, reported a bill to incorporate the Rodef Scholum, (a people of peace,) of the city of Louisville; which was read the first time and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. L. Combs, from the committee on Ways and Means, who were appointed to prepare and bring in the same, reported a bill to amend an act, entitled, an act to reduce into one the several acts exempting property from execution, and for other purposes, approved February 7, 1845; which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Mr. Mayhall proposed an amendment to said bill.

Mr. Root moved an amendment to the amendment.

Ordered, That said bill and amendments be referred to Messrs. Brown, Hardy, L. Combs, and Abbott.

Mr. L. Combs, from the same committee, to whom was referred a bill for the benefit of the Sheriff of Whitley county, reported the same with an amendment; which was concurred in.

Ordered, That said bill be re-committed to the committee on Ways and Means.

The House resumed the consideration of the bill to reduce the salaries of the Circuit Judges of this Commonwealth, and for other purposes.

The said bill reads as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That from and after the passage of this act, the various officers of this Commonwealth, hereinafter mentioned, shall be paid out of the Public Treasury, the following salaries annually, to-wit: The Circuit Judges of this Commonwealth, the sum of one thousand dollars each, except the Judge of the fifth Judicial District, who shall have twelve hundred and fifty dollars; to the Chancellor of the city of Louisville, fifteen hundred dollars; Judges of the Court of Appeals, fifteen hundred each; the Auditor of Public Accounts, five hundred dollars; to the Second Auditor of Public Accounts, fifteen hundred dollars; to the Treasurer, one thousand dollars; to same for keeping State House, fifty dollars; to the Secretary of State, six hundred and fifty

dollars; to the Register of the Land Office, one thousand dollars; to Principal Clerk in said Office, five hundred dollars; to the Assistant Clerk in the same office, three hundred dollars; to the Librarian, one hundred dollars; to the Clerk of the Secretary's Office, five hundred dollars; to the President of the Board of Internal Improvements, five hundred dollars; to the Attorney General, two hundred and fifty dollars; to the Quarter-Master General, one hundred and fifty dollars; Attorneys for the Commonwealth, two hundred and fifty dollars.

SEC. 2. *Be it further enacted*, That the several officers named in the first section of this act, shall be paid their annual salaries quarterly, as provided by the law now in force.

SEC. 3. *Be it further enacted*, That all acts or parts of acts coming within the purview of this, shall be, and the same are hereby, repealed.

Mr. Kelly moved to postpone the further consideration of said bill until Friday week.

A division of the question being called for; the question was first taken on postponing, and decided in the negative.

The yeas and nays being required thereon by Messrs. Wortham and Haggard, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Darnaby,	McKellup,
Messrs. Abbett,	Duncan,	Miller,
Alexander,	Evans,	Myers,
Barkley,	Glover,	Pope,
Botts,	Gore,	Seaton,
Brooks,	Harlan,	Thurston,
Clack,	Jackson,	Wallace,
Combs, L.	Kelly,	Wheat,
Cox,	Mason,	Whitlock—29.
Dallam,	McCampbell,	

Those who voted in the negative, were—

Messrs. Barlow,	Hatfield,	Peters,
Barnett,	Hay,	Priest,
Begley,	Head,	Railey,
Bowling, G.	Headley,	Reid,
Browner,	Howell,	Rodman,
Brown,	Hunton,	Root,
Cessna,	Johnson, D. B.	Shawhan,
Clarke,	Johnston, A.	Short,
Cleveland,	Lapsley,	Smith, E.
Combs, J.	Layne,	Smith, J.
Conner,	Mayhall,	Sparks,
Desha,	Mayes,	Speed,
Dudley,	Maxey,	Stone, B.
Fallis,	Mills,	Stone, S.
Gano,	Moore,	Thomas, A. W.
Gardner,	Murray,	Thomas, W.

Glenn,
Haggard,
Hardy,

Orndorff,
Orr,

Walker,
Wortham—55.

The second amendment proposed by the committee of the whole was to strike out "fifteen hundred dollars" to the Chancellor of the city of Louisville, and insert "twelve hundred and fifty dollars."

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Dallam and Haggard, were as follows, viz :

Those who voted in the affirmative, were—

Messrs. Abbett,	Harlan,	Orr,
Alexander,	Hardy,	Peters,
Barlow,	Hatfield,	Priest,
Begley,	Hay,	Railey,
Botts,	Head,	Root,
Bowling, G.	Headley,	Shawhan,
Brawner,	Jackson,	Short,
Brown,	Johnson, D. B.	Smith, E.
Combs, J.	Johnston, A.	Smith, J.
Combs, L.	Kelly,	Sparks,
Conner,	Lapsley,	Speed,
Dallam,	Layne,	Stone, B.
Darnaby,	Mason,	Stone, S.
Desha,	Mayhall,	Thomas, A. W.
Dudley,	Mayes,	Thomas, W.
Duncan,	Maxey,	Thurston,
Evans,	McKellup,	Walker,
Fallis,	Mills,	Wallace,
Gano,	Moore,	Wheat,
Gardner,	Myers,	Whitlock,
Gore,	Orndorff,	Wortham—64.
Haggard,		

Those who voted in the negative, were—

Mr. Speaker,	Cleveland,	Miller,
Barkley,	Cox,	Murray,
Barnett,	Glenn,	Pope,
Brooks,	Glover,	Reid,
Cessna,	Howell,	Rodman,
Clack,	Hunton,	Seaton—20.
Clarke,	McCampbell,	

Mr. Alexander moved to amend said bill by adding thereto the following section, viz :

Be it further enacted, That the Superintendent of Common Schools be, and he is hereby, allowed the sum of three hundred dollars, in lieu of his present salary.

Mr. E. Smith moved the following as a substitute for the amendment proposed by Mr. Alexander, viz:

Be it further enacted, That the office of Superintendent of Public Instruction be, and the same is hereby, abolished.

Be it further enacted, That the corporate powers now vested in the Superintendent of Public Instruction, the Secretary of State, and Attorney General, by the act approved 10th February, 1845, entitled, an act to reduce into one the several acts concerning Common Schools, and more effectually to establish the same in this Commonwealth," be, and the same is hereby, vested in the First Auditor of Public Accounts, and the duties required by the act aforesaid, shall be under the care and supervision of the said Auditor, but no additional compensation shall be allowed said Auditor for compensation for services rendered as required by law: *Provided*, The said Auditor shall not be required to traverse the State, or deliver lectures upon Public Instruction.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. E. Smith and S. Stone, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Begley,	Hay,	Layne,
Cox,	Head,	Mills,
Dallam,	Headley,	Smith, E.
Evans,	Jackson,	Stone, B.
Fallis,	Johnson, D. B.	Stone, S.—17.
Hatfield,	Johnston, A.	

Those who voted in the negative, were—

Mr. Speaker.	Gano,	Orr,
Messrs. Abbett,	Gardner,	Peters,
Alexander,	Glenn,	Pope,
Barkley,	Glover,	Priest,
Barlow,	Gore,	Railey,
Barnett,	Haggard,	Reid,
Botts,	Harlan,	Riley,
Bowling, G.	Hardy,	Rodman,
Brown,	Howell,	Root,
Brooks,	Hunton,	Seaton,
Cessna,	Kelly,	Shawhan,
Clack,	Lapsley,	Short,
Clarke,	Mayhall,	Smith, J.
Cleaveland,	Mayes,	Speed,
Combs, J.	Maxey,	Thomas, A. W.
Combs, L.	McCampbell,	Thomas, W.
Conner,	McKellup,	Thurston,
Darnaby,	Miller,	Walker,
Desha,	Moore,	Wallace,
Dudley,	Murray,	Wheat,
Duncan,	Myers,	Whitlock,
Ford,	Orndorff,	Wortham—66.

The question was then taken on the adoption of the amendment proposed by Mr. Alexander, and decided in the negative.

The yeas and nays being required thereon by Messrs. Dallam and Hay, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Hatfield,	Moore,
Barkley,	Hay,	Myers,
Barlow,	Head,	Orndorff,
Begley,	Headley,	Orr,
Botts,	Hunton,	Railey,
Bowling, G.	Jackson,	Riley,
Brawner,	Johnson, D. B.	Smith, E.
Brown,	Johnston, A.	Stone, B.
Clack,	Kelly,	Stone, S.
Conner,	Layne,	Thurston,
Cox,	Mayhall,	Walker,
Dallam,	Maxey,	Wortham—38.
Evans,	Mills,	

Those who voted in the negative, were—

Mr. Speaker,	Gardner,	Priest,
Messrs. Abbett,	Glenn,	Reid,
Barnett,	Glover,	Rodman,
Brooks,	Gore,	Root,
Cessna,	Haggard,	Seaton,
Clarke,	Hardy,	Shawhan,
Cleaveland,	Howell,	Short,
Combs, J.	Lapsley,	Smith, J.
Darnaby,	Mayes,	Sparks,
Desha,	McCampbell,	Speed,
Dudley,	McKellup,	Thomas, A. W.
Duncan,	Miller,	Thomas, W.
Fallis,	Murray,	Wallace.
Ford,	Peters,	Wheat,
Gano,	Pope,	Whitlock—45.

Mr. Dallam moved to amend said bill by adding the following section, viz:

Be it further enacted, That the per diem allowance to Senators and Representatives of the General Assembly of this Commonwealth shall, from and after the 15th day of August next, be reduced to two dollars.

And the question being taken on adopting the same, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Dallam and Pope, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Harlan,	Railey,
Barkley,	Hay,	Root,

Barlow,
Bowling, G.
Brawner.
Brown,
Combs, J.
Conner,
Cox,
Dallam,
Haggard,

Hunton,
Jackson,
Layne,
Mayhall,
McCampbell,
Mills,
Moore,
Myers,
Orr,

Speed,
Stone, B.
Stone, S.
Thomas, A. W.
Thomas, W.
Walker,
Wheat,
Wortham—32.

Those who voted in the negative, were—

Mr. Speaker,
Messrs. Abbett,
Barnett,
Begley,
Botts,
Brooks,
Cessna,
Clack,
Clarke,
Cleaveland,
Darnaby,
Desha,
Dudley,
Duncan,
Evans,
Fallis,
Ford,

Gano,
Gardner,
Glenn,
Glover,
Gore,
Hardy,
Hatfield,
Head,
Headley,
Howell,
Johnson, D. B.
Johnston, A.
Kelly,
Lapsley,
Mayes,
Maxey,
McKellup,

Miller,
Murray,
Orndorff,
Peters,
Pope,
Priest,
Reid,
Riley,
Rodman,
Seaton,
Shawhan,
Smith, E.
Smith, J.
Sparks,
Thurston,
Wallace,
Whitlock—51.

And then the House adjourned.

FRIDAY, JANUARY 23, 1846.

A message was received from the Senate, announcing their disagreement to bills from this House, of the following titles, viz:

An act divorcing William Grissom from his wife, Mary Grissom.

An act for the benefit of the County Court of Livingston County, and for other purposes.

That they had passed bills from this House, of the following titles, viz:

An act for the benefit of Joseph Botts.

An act authorizing the County Court of Boyle county to require its Clerk to make cross indexes to all deeds and other instruments of writing recorded in his office.

An act to establish the town of Milton, and for other purposes.

An act to repeal the law limiting the number of Justices of the Peace of Simpson county to ten.

An act to change the name of a place in Madison county, from Arcadia to that of Rogersville.

An act for the benefit of Hiram Begley.

An act to change the names of George W. and Thomas J. Gallaher.

An act to regulate the Owen County Court, and for other purposes.

An act to allow an additional Constable to the county of Wayne.

An act allowing additional Justices of the Peace and Constables to certain counties, and for other purposes.

An act to change the name of William Oden Smith to that of Markham Oden Smith, and to change the name of Ephraim Pendleton.

An act for the benefit of the children of Achilles Moorman.

With amendments to the three last named bills.

That they had concurred in the adoption of a resolution from this House, adding another member to the joint committee to examine the Lunatic Asylum.

That they had passed bills of the following titles, viz:

An act to incorporate the town of Mount Eden, in Spencer county.

An act to divorce Louisa Gray.

And had received official information from the Governor, announcing that he had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act for the benefit of Jonathan Davis, of Allen county, and Raleigh Watson, of Morgan county.

An act for the benefit of Edward Lewis, late Sheriff of Green county.

An act for the benefit of Quintus C. Shanks and Justinian T. Harris, late Sheriffs of Ohio county, and the Sheriff of Muhlenburg county.

An act for the benefit of the School Commissioners of Fayette county.

An act for the benefit of William Adcock, and others.

An act for the benefit of William Davis, late Sheriff of Clinton county.

An act to change the venue in the prosecution against Milton Martin, indicted for felony.

An act for the benefit of Thomas McIntyre, of Mercer county.

An act for the benefit of William Skaggs, Sheriff of Green county.

Approved January 21, 1846.

I. Mr. Hardy presented the petition of sundry citizens, residing in the bounds proposed for a new county, to be formed out of parts of Barren, Allen, and Monroe, praying the establishment of the proposed new county.

2. Also, the petition of sundry citizens of Barren county, residing outside of the bounds proposed for a new county, to be formed out of parts of Barren, Allen, and Monroe counties, praying the establishment of the proposed new county.

3. The Speaker laid before the House a communication from Francis James, asking the passage of a law in relation to lost State bonds.

4. Mr. Short presented the petition of Linzey Lester, praying to be divorced from his wife, Margaret Lester.

5. Mr. S. Stone presented the petition of William Lair, late Sheriff of Russell county, praying that the damages assessed against him by a judgment of the General Court, for failing to pay into the Treasury the revenue due from said county, be remitted.

6. Mr. Pope presented the petition of Woodson Clay Gordon, praying that his name be changed to that of Woodson Clay Montgomery.

7. Mr. Wheat presented the petition of sundry citizens of the town of Columbia, praying a repeal of the act passed 27th February, 1844, entitled, an act to amend the act incorporating said town.

8. Mr. Rodman presented the petition of Catharine Smith, praying to be divorced from her husband, Samuel Smith.

9. Mr. Walker presented the petition of Tarlton Holman, praying to be divorced from his wife, Mariam Holman.

Which were received, the reading dispensed with, and referred, the 1st, 2d, and 7th to the committee on Propositions and Grievances; the 3d, 5th, and 6th to the committee on the Judiciary; and the 4th, 8th, and 9th to the committee on Religion.

Mr. Glenn moved to suspend the rule of the House, in order to take up the resolution from the Senate fixing a day for the adjournment of the General Assembly.

And the question being taken thereon, it was decided in the negative, it requiring a majority of two thirds.

The yeas and nays being required thereon by Messrs. Glenn and Ford, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Gore,	Moore,
Barlow,	Hatfield,	Orndorff,
Barnett,	Hay,	Orr,
Brooks,	Head,	Peters,
Combs, J.	Headley,	Priest,
Combs, L.	Howell,	Purdom,
Darnaby,	Hunton,	Railey,
Desha,	Johnston, A.	Riley,
Dudley,	Lapsley,	Shawhan,
Duncan,	Layne,	Speed,

Ford,
Gano,
Gardner,
Glenn,

Mayhall,
Mayes,
Maxey,
Mills,

Stone, B.
Stone, S.
Wortham—41.

Those who voted in the negative, were—

Mr. Speaker,
Messrs. Abbett,
Barkley,
Begley,
Botts,
Bowling, G.
Cessna,
Clack,
Clarke,
Cleaveland,
Conner,
Cox,
Dallam,

Evans,
Fallis,
Haggard,
Harlan,
Hardy,
Jackson,
Johnson, D. B.
Kelly,
McKellup,
Miller,
Murray,
Myers,
Pope,

Rodman,
Root,
Seaton,
Short,
Smith, J.
Sparks,
Thomas, W
Thurston,
Walker,
Wallace,
Waller,
Wheat,
Whitlock—39.

Mr. S. Stone, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of Owsley county, in relation to their County Seat, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

On motion of Mr. S. Stone,

Ordered, That he be permitted to withdraw said petition; and it was withdrawn.

Mr. L. Combs, from the committee on Ways and Means, to whom was referred a resolution instructing them to enquire into the expediency of requiring Clerks of Courts to pay into the Public Treasury all moneys received by each, annually arising from the fees and perquisites of their respective offices, over and above the sum of \$1,200, and that the same be placed to the credit of the Sinking Fund, asked to be discharged from the further consideration thereof.

On motion of Mr. E. Smith,

Ordered, That the report of the committee on said resolution, be made the special order of the day for Wednesday next.

Mr. L. Combs, from the committee on Ways and Means, to whom was referred a bill for the benefit of the Clerks of the Clinton and Russell Circuit Courts, reported the same without amendment.

And the question being taken on engrossing and reading said bill a third time, it was decided in the negative, and so the said bill was rejected.

Mr. L. Combs, from the same committee, who were appointed to prepare and bring in the same, reported a bill authorizing the Trustees of the town

of Henderson to license Coffee Houses; which was read the first time and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

On motion of Mr. Conner,

Ordered, That said bill be laid on the table.

Mr. L. Combs, from the same committee, to whom was referred a bill from the Senate, entitled, an act for the benefit of John Thomas, reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. L. Combs, from the same committee, to whom was referred the petition of John Hunt, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Mr. Brawner moved to amend said resolution, by striking out the words, "be rejected," and inserting, "is reasonable."

And the question being taken thereon, it was decided in the negative.

The said resolution was then concurred in.

Mr. L. Combs, from the same committee, to whom was referred the petition of Thomas J. Fuqua, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Cox, from the committee on Internal Improvement, to whom was referred the bill ordering the payment of the amount due the Commissioners on the road from the mouth of Salt river to Bowlinggreen, reported the same with an amendment.

Which was concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Cox, from the same committee, to whom was referred the bill for the benefit of Alexander Strong, of Breathitt county, reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Cox, from the same committee, to whom was referred the bill to amend an act, entitled, an act to incorporate the Louisville and Portland Railroad Company, approved 2d March, 1844, reported the same with an amendment.

Which was concurred in.

Ordered, That the further consideration of said bill be postponed, and that it be made the special order of the day for Wednesday, the 28th inst.

A message was received from the Senate, by Mr. Taylor, asking leave to withdraw their report announcing their disagreement to a bill from this House, entitled, an act for the benefit of the County Court of Livingston county, and for other purposes; which was granted and the bill was withdrawn.

A message was received from the Senate, by Mr. Butler, asking leave to withdraw their report announcing their disagreement to a bill from this House, entitled, an act to establish the town of Milton, and for other purposes; which was granted and the bill was withdrawn.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Ways and Means—1. A bill for the benefit of John Duerson.

By the committee on Internal Improvement—2. A bill authorizing Mary L. Burch to erect a fish dam across the Rolling Fork of Salt river.

By same—3. A bill to repeal in part, an act, entitled, an act to amend the charters of the Louisville and Elizabethtown Turnpike Company, and Covington and Lexington Turnpike Company, approved February 7, 1845.

By same—4. A bill for the benefit of the Covington and Lexington Turnpike Company.

Which were read the first time, and ordered to be read the second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2d, and 3d were severally ordered to be engrossed and read a third time, and the 4th was referred to the committee on Internal Improvement.

The rule of the House, constitutional provision and third reading of the 1st, 2d, and 3d bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Cox, from the committee on Internal Improvement, to whom was referred a bill from the Senate, entitled, an act to amend the charter of the

Glasgow and Scottville Turnpike Road Company, reported the same without amendment.

The hour of 12 o'clock having arrived, the House proceeded to the orders of the day.

The House again resumed the consideration of the bill to reduce the salaries of the Circuit Judges of this Commonwealth, and for other purposes.

Mr. Desha moved to amend said bill by striking out the following words, "except the Judge of the 5th Judicial District, who shall have twelve hundred and fifty dollars."

Mr. Hunton moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the amendment proposed by Mr. Desha be adopted? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Harlan and Haggard, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barkley,	Glenn,	Orndorff,
Barnett,	Haggard,	Orr,
Begley,	Harlan,	Peters,
Botts,	Hatfield,	Priest,
Bowling, G.	Hay,	Purdom,
Browner,	Head,	Railey,
Brown,	Headley,	Root,
Cessna,	Hunton,	Shawhan,
Cleaveland,	Jackson,	Short,
Combs, J.	Johnston, A.	Sparks,
Combs, L.	Kelly,	Speed,
Conner,	Lapsley,	Stone, B.
Dallam,	Layne,	Stone, S.
Darnaby,	Mayhall,	Thomas, A. W.
Desha,	Mayes,	Thurston,
Dudley,	McC Campbell,	Walker,
Evans,	McKellup,	Wallace,
Fallis,	Mills,	Waller,
Ford,	Moore,	Whitlock,
Gano,	Myers,	Wortham—61.
Gardner,		

Those who voted in the negative, were—

Mr. Speaker,	Duncan,	Reid,
Messrs. Abbett,	Gore,	Riley,
Alexander,	Hardy,	Rodman,
Barlow,	Howell,	Seaton,
Brooks,	Maxey,	Smith, E.
Clack,	Miller,	Smith, J.
Clarke,	Murray,	Wheat—23.
Cox,	Pope,	

Ordered, That said bill be engrossed and read a third time, as amended.

Mr. Glenn moved that said bill have its third reading now.

And the question being taken thereon, it was decided in the affirmative.

The said bill was then read a third time.

Mr. Glenn moved to amend said bill by adding thereto the following engrossed clause, by way of rider, viz:

Be it further enacted, That from and after the passage of this act, when the office of any Circuit Judge shall become vacant by death, resignation, or otherwise, it shall be the duty of the Governor to divide the district between the three nearest Judges, who shall hold the Courts in said district until the meeting of the General Assembly, who shall re-district the State so as to include the vacant district in some of the remaining Judicial Districts; and that the General Assembly continue to merge the districts that may thereafter become vacant, into the remaining districts, until the number of the Judicial Districts shall amount to no more than thirteen.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Glenn and Layne, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barkley,	Glenn,	Peters,
Barnett,	Harlan,	Pope,
Begley,	Hardy,	Reid,
Bowling, G.	Hatfield,	Riley,
Cessna,	Hay,	Rodman,
Clarke,	Jackson,	Shawhan,
Cleaveland,	Johnston, A.	Short,
Combs, L.	Kelly,	Stone, B.
Cox,	Layne,	Stone, S.
Dallam,	Maxey,	Thomas, A. W.
Darnaby,	McC Campbell,	Thomas, W.
Desha,	Mills,	Thurston,
Dudley,	Miller,	Wallace,
Duncan,	Moore,	Waller,
Evans,	Murray,	Wheat,
Fallis,	Myers,	Whitlock—50.
Gano,	Orr,	

Those who voted in the negative, were—

Mr. Speaker,	Gardner,	Orndorff,
Messrs. Abbett,	Gore,	Priest,
Alexander,	Haggard,	Purdom,
Barlow,	Head,	Railey,
Botts,	Headley,	Root,
Browner,	Howell,	Seaton,
Brown,	Hunton,	Smith, E.
Brooks,	Johnson, D. B.	Smith, J.
Clack,	Lapsley,	Sparks,

Combs, J.	Mayhall,	Speed,
Conner,	Mayes,	Walker,
Ford,	McKellup,	Wortham—36.

At half past 2 o'clock, P. M., Mr. E. Smith moved an adjournment.
And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wortham and Purdom, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker.	Jackson,	Riley,
Messrs. Cessna,	Johnston, A.	Seaton,
Clarke,	Mayhall,	Smith, E.
Dallam,	Purdom,	Wheat—12.

Those who voted in the negative, were—

Messrs. Abbett,	Gardner,	Myers,
Alexander,	Glenn,	Orndorff,
Barkley,	Gore,	Orr,
Barlow,	Haggard,	Peters,
Barnett,	Harlan,	Pope,
Begley,	Hardy,	Priest,
Botts,	Hatfield,	Railey,
Bowling, G.	Hay,	Reid,
Brawner,	Head,	Rodman,
Brown,	Headley,	Root,
Brooks,	Howell,	Shawhan,
Clack,	Hunton,	Short,
Cleaveland,	Johnson, D. B.	Smith, J.
Combs, J.	Kelly,	Sparks,
Combs, L.	Lapsley,	Speed,
Conner,	Layne,	Stone, B.
Cox,	Mayes,	Stone, S.
Darnaby,	Maxey,	Thomas, W.
Desha,	McCampbell,	Thurston,
Dudley,	McKellup,	Walker,
Duncan,	Mills,	Wallace,
Evans,	Miller,	Waller,
Fallis,	Moore,	Whitlock,
Ford,	Murray,	Wortham—73.
Gano,		

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. S. Stone and Shawhan, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Hardy,	Orr,
Barlow,	Hatfield,	Peters,
Barnett,	Hay,	Priest,
Begley,	Head,	Purdom,

Bowling, G.	Headley,	Railey,
Browner,	Howell,	Rodman,
Brown,	Hunton,	Root,
Cessna,	Johnson, D. B.	Shawhan,
Cleaveland,	Johnston, A.	Short,
Combs, J.	Kelly,	Smith, J.
Conner,	Lapsley,	Speed,
Desha,	Layne,	Stone, B.
Dudley,	Mayes,	Stone, S.
Evans,	Maxey,	Thomas, W.
Fallis,	McKellup,	Walker,
Ford,	Mills,	Wallace.
Gano,	Moore,	Wheat,
Gardner,	Murray,	Whitlock,
Glenn,	Myers,	Wortham—59.
Haggard,	Orndorff,	

Those who voted in the negative, were—

Mr. Speaker,	Dallam,	Pope,
Mesrss. Abbett,	Darnaby,	Reid,
Barkley,	Duncan,	Riley,
Botts,	Gore,	Seaton,
Brooks,	Harlan,	Smith, E.
Clack,	Jackson,	Sparks,
Clarke,	Mayhall,	Thurston,
Combs, L.	McCampbell,	Waller—26.
Cox,	Miller,	

Resolved, That the title thereof be as aforesaid.

And then the House adjourned.

SATURDAY, JANUARY 24, 1846.

A message was received from the Senate, announcing their concurrence in the amendment proposed by this House, to a bill from the Senate, entitled, an act for the benefit of Louisa Ann Coleman, and Charles H. Kenner and Marcus W. Kenner.

That they had concurred in a resolution from this House, requesting the Secretary of State to communicate to the General Assembly his system of finance.

That they had passed bills from this House, of the following titles, viz:

An act to legalize certain proceedings of the 20th Regiment, and for other purposes.

An act for the benefit of Daniel O'Neal and Sarah Graham.

An act to incorporate the town of Hillsboro', in the county of Fleming.

An act to establish a precinct at Friendship School House, in Madison county, and for other purposes.

An act to change the place of voting in election precincts in the counties of Breathitt and Clay.

An act to place the State road leading from Moss' ferry, on the Tennessee river, to Waidsboro', under the control of the Marshall County Court.

An act for the benefit of John Young, Surveyor of Greenup county.

An act to prevent the sale of spirituous liquors within the town of LAGRANGE, and one mile therefrom.

An act to abolish an election precinct in the county of Gallatin, and for other purposes.

An act for the benefit of Smith Wingate and Charles Horsman.

An act in relation to keeping the public roads in Clarke and Todd counties in repair.

An act for the benefit of Richard H. Ranson.

An act for the benefit of the County Court of Livingston county, and for other purposes.

An act divorcing Thomas Watson from his wife, Amanda Watson.

With amendments to the six last named bills.

That they had passed bills of the following titles, viz:

An act for the benefit of John P. Owens, James S. Owens, and Margaret F. Owens, infant heirs of Jeremiah Owens, deceased.

An act for the benefit of the heirs of Redmond F. Monday.

An act to allow an additional Justice of the Peace to Carter county, and for other purposes.

An act to allow an additional Justice of the Peace to Lawrence county.

An act for the benefit of Mrs. Diana McGuire.

An act to establish an election precinct in Laurel county, at the house of William McHargue, on Big Robertson creek.

An act to establish an additional election precinct in Lawrence county.

An act to change the place of voting in the lower precinct in Spencer county, from the house of Edrington Collins to McGrew's mill house, in Waterford.

An act to amend an act, entitled, an act to amend an act incorporating the Louisville and Mississippi Railroad Company, and to promote the construction of a Railroad between said city and river.

An act for the benefit of the idiots of Perry and Letcher counties.

An act concerning the town of Russellville.

An act to provide for the erection of a Marine Railway in the town of Hickman, and for other purposes.

1. Mr. Glenn presented the petition of G. W. Gordon and S. H. Gordon, praying the passage of a law preventing the felling of timber in the stream above their mill, in Todd county.

2. The Speaker laid before the House a communication from George B. Adams and R. A. Price, asking the passage of a law authorizing the Pay-Master of the 25th Regiment, to settle with said Price, as Collector thereof.

3. Also, a petition praying a change in the place of voting in an election precinct in Warren county.

4. Also, a remonstrance against any change in the place of voting in said precinct.

5. Mr. Duncan presented the petition of William W. Bowen, committee for Rachel Nesbet, an idiot, praying the confirmation of a sale made by him, of a small piece of land belonging to said idiot.

6. Mr. Orr presented the petition of A. M. Rigg, praying a change in the location of the Warehouse at the town of Marion, in Owen county.

7. Mr. Short presented the memorial of George W. Kouns, with other documents, in relation to the proceedings against him to remove him from office as a Justice of the Peace.

8. Mr. Cox presented the petition of Elizabeth Kenny, praying the passage of a law to enable her to prosecute a suit to set aside the will of her grand-father.

9. Mr. Pope presented the petition of D. W. Wilson, praying that Richard T. Anderson, a Justice of the Peace, be authorized to appoint a bailiff, to execute process issued by him.

10. Also, the petition of James H. Cook, praying that a fine assessed against him for selling goods without license, may be refunded him.

11. Mr. Harlan presented the petition of William P. Blackstone, praying that compensation be made him for apprehending a fugitive from justice.

12. Mr. Peters presented the petition of Catharine Hathaway, widow of Jonathan Hathaway, deceased, praying the passage of a law authorizing a sale of certain slaves belonging to the estate of said deceased.

Which were received, the reading dispensed with, and referred, the 1st to the committee on Internal Improvement; the 2d to the committee on Military Affairs; the 3d and 4th to the committee on Privileges and Elections; the 5th, 8th, 9th, and 12th to the committee on the Judiciary; the 6th to Messrs. Orr, Root, and Abbett; the 7th to Messrs. Desha, R. C. Bowling, Riley, Barlow, and Gano; and the 10th and 11th to the committee on Claims.

Mr. Dallam, from the committee on Enrollments, reported that the committee had examined enrolled bills and a resolution which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of Joseph Botts.

An act to change the name of a place in Madison county, from Arcadia to that of Rogersville.

An act authorizing the County Court of Boyle county to require its Clerk to make cross indexes to all deeds and other instruments of writing recorded in his office.

An act to repeal the law limiting the number of Justices of the Peace of Simpson county to ten.

An act to regulate the Owen County Court, and for other purposes.

An act to allow an additional Constable to the county of Wayne.

An act for the benefit of Hiram Begley.

An act to change the names of George W. and Thomas J. Gollaher.

An act to change the place of voting in an election precinct in Hart county.

An act for the relief of Edmund Payne.

A resolution adding another member to the joint committee to examine the Lunatic Asylum.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Dallam inform the Senate thereof.

After some time, a message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that he had, on this day, approved and signed said bills and resolution.

The Speaker appointed Mr. Mason on the committee appointed to examine Transylvania University, Deaf and Dumb Asylum, and the Lunatic Asylum.

On motion of Mr. L. Combs,

Resolved, That this House will hereafter meet at 9 o'clock, A. M., during the remainder of the session.

Mr. Hunton moved the following resolution, viz:

Resolved, That the Second Auditor be directed to report to this House the aggregate cost, to the people of Kentucky, of each annual session of the General Assembly, from the year 1836 to the year 1844, inclusive, comprising the amount disbursed to the Speakers and members of the two Houses, for their wages and mileage, and to the Secretary of the Senate, Clerk of the House, Sergeant-at-Arms and Doorkeepers of the two Houses, and their respective Assistants, and to witnesses attending the Legislature, for their wages and mileage; and also, the amount paid for fuel and stationery furnished the General Assembly, together with all and any other expenses to said sessions of the Legislature, not above enumerated.

Ordered, That said resolution be laid on the table.

Mr. Hunton moved the following resolution, viz:

Resolved, That the committee on Ways and Means be instructed to enquire into the propriety of amending the second section of an act, entitled,

an act to amend the revenue laws, approved February 10, 1845, and if, in their opinion, it should be amended, to report a bill to that effect.

And the question being taken on the adoption of the same, it was decided in the negative, and so the said resolution was rejected.

Mr. Hunton moved the following resolution, viz :

Resolved, That the committee on the Judiciary be instructed to report a bill to this House, to permit the citizens of this Commonwealth, when they are prosecuted for debt or any offence against law, to appear in their defence, by themselves and counsel, and that their counsel is not, of necessity, to be a licensed lawyer.

Mr. Mills moved to amend said resolution by adding, "and that every voter in the Commonwealth be privileged to plead law in all inferior and superior courts."

Which was adopted.

Ordered, That said resolution, as amended, be laid on the table.

Mr. Hardy moved the following resolution, viz :

Resolved, That the First Auditor be requested to report to this House what salary or pay per annum, is received by the Presidents of Local Boards, on the several Turnpike Roads in this State; if the salaries or pay per annum be variant, then state the respective amounts, and from what fund it is drawn; if from the tolls collected, what portion belongs to the State; also, that he be requested to state what allowance is made to the gate keepers.

Which was adopted.

Mr. Riley moved the following resolution, viz :

Resolved, That the committee of ten, raised to enquire into the corruptions of Judges, Sheriffs, and other officers, report the evidence which has or may be taken by said committee, and the expenses incidental to the investigation.

Which was adopted.

Mr. Harlan moved the following resolution, viz :

Resolved, That the committee on Ways and Means enquire into the expediency of reporting a bill to repeal the law paying for slaves executed under the judgments of Circuit Courts.

Which was adopted.

Mr. Murray moved the following resolutions, viz :

WHEREAS, the voice of the Commonwealth of Kentucky was not recorded in the Senate of the United States, and in part only in the House of Representatives, on the passage of the joint resolution for the admission of the State of Texas into the Union, and we, the representatives of the people of the said Commonwealth of Kentucky, in the Legislature at Frankfort assembled, being unwilling that any doubts shall rest upon the sentiments and feelings of this Commonwealth on that great and thrilling question, or that any inference should be drawn from her silence, unfriendly to that great and patriotic measure of national justice and wisdom—therefore,

Resolved, That the House of Representatives of the Commonwealth of Kentucky, hails the admission of her young and gallant sister of the sunny

south in this Union, with a *welcome* as cordial as that of any of her sister States.

Resolved further, That the Commonwealth of Kentucky, animated by the same patriotism that nerved her arm in "the hour that tried men's souls," and that characterized her conduct in the second war for independence, hereby pledges to the General Government all her energies and resources to vindicate the action of that Government in relation to the admission of Texas into this Union, and to protect and defend the territory and the people of that young Commonwealth from aggression, insult, or injury.

Ordered, That said resolutions be referred to Messrs. L. Combs, Murray, Root, Harlan, Desha, Cox, Waller, McKellup, and Hardy.

Mr. Root moved the following resolution, viz:

WHEREAS, a crisis has arrived in the controversy between this *country* and *Great Britain*, as to our claims to a portion of territory on this continent; and whereas, it is the right, as well as the duty of the States, to make known their sentiments on a question of momentous interest to us as a nation—therefore,

1. *Resolved*, That in our judgments, Great Britain has not, and cannot make out a colorable title to any part of the North West coast of this continent.

2. *Resolved*, That it is the duty of our Representatives in Congress, to maintain our entire rights in the *Oregon Territory*.

3. *Resolved*, That the *General Government*, in the determined assertion and maintainance of our rights and honor, will have the cordial support of the people of this Commonwealth.

Ordered, That said resolution be referred to Messrs. L. Combs, Murray, Root, Harlan, Desha, Cox, Waller, Hardy, and McKellup.

Mr. Maxey moved the following resolution, viz:

Resolved, That the committee on the Expenditures of the Board of Internal Improvement be instructed to prepare and report a bill to provide for the settlement of the accounts of the Board of Internal Improvement, providing for the appointment of Commissioners, who shall audit and settle the accounts of the Board of Internal Improvement, and allow such evidences of payment as in their opinion is sufficiently authenticated. If, in the opinion of the Commissioners, payments have been made without sufficient authentication or without authority of law, or where unreasonable and disproportionate allowances have been made to any member of the Board of Internal Improvement, or to any other person, the same to be reported, specifying the particular items, to whom paid, and when paid, and in case of want of proper authentication, that they also report that fact, classifying the amounts.

Which was adopted.

Mr. Desha moved the following resolution, viz:

Resolved, That the Clerk of this House be allowed for his services as such, the present session, \$8 instead of \$10, as heretofore, and the Door-keeper \$3 instead of \$4, as heretofore, and that the committee on Claims, in preparing the appropriation bill, report accordingly.

Mr. Cox asked for a division of the question.

The question was then taken on reducing the pay of the Clerk, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Mayhall and Desha, were as follows, viz:

Those who voted in the affirmative, were—

Messrs Barlow,	Head,	Orr,
Barnett,	Headley,	Peters,
Begley,	Howell,	Priest,
Bowling, G.	Hunton,	Railey,
Clarke,	Johnson, D. B.	Rodman,
Cleaveland,	Johnston, A.	Shawhan,
Combs, J.	Lapsley,	Short,
Conner,	Layne,	Smith, J.
Desha,	Mayhall,	Speed,
Dudley,	Mayes,	Stone, S.
Evans,	Maxey,	Thomas, W.
Glenn,	Miller,	Wheat,
Haggard,	Moore,	Wortham—41.
Hardy,	Murray,	

Those who voted in the negative, were—

Mr. Speaker,	Gardner,	Pope,
Messrs. Alexander,	Gore,	Riley,
Brown,	Harlan,	Root,
Brooks,	Hay,	Seaton,
Cessna,	Jackson,	Smith, E.
Clack,	Kelly,	Sparks,
Combs, L.	McCampbell,	Stone, B.
Cox,	McKellup,	Thurston,
Dallam,	Mills,	Walker,
Duncan,	Myers,	Wallace,
Ford,	Orndorff,	Waller—33.

The said resolution was then adopted.

Mr. Pope moved the following resolution, viz:

Resolved, That the committee on Ways and Means enquire into the expediency of changing the time of assessing the stock of dealers in goods, wares, and merchandise, from the 10th of April to the 10th of January.

Which was adopted.

Leave was given to bring in the following bills, viz:

On the motion of Mr. J. Smith—1. A bill to regulate elections in this Commonwealth.

On the motion of Mr. G. Bowling—2. A bill to allow an additional Constable to Morgan county, and for other purposes.

On the motion of Mr. Root—3. A bill to incorporate a company to construct a road from Newport to Alexandria, in Campbell county.

On the motion of Mr. Clarke—4. A bill for the benefit of the manufacturers of iron in this Commonwealth.

On the motion of Mr. Hardy—5. A bill the better to protect the rights of infants.

On the motion of Mr. Haggard—6. A bill to authorize the County Court of Cumberland county to superintend the building of a bridge across Renick's creek, and for other purposes.

On the motion of same—7. A bill to incorporate the town of Burksville.

On the motion of Mr. A. Johnston—8. A bill to authorize the County Court of Marshall to appoint a Treasurer.

On the motion of Mr. Begley—9. A bill to reduce the number of Justices of the Peace in the county of Perry.

On the motion of Mr. Riley—10. A bill regulating the succession of Sheriffs.

On the motion of Mr. B. Stone—11. A bill to legalize the proceedings of the Estill County Court.

On the motion of Mr. Harlan—12. A bill to amend the several acts relating to interest and usury.

On the motion of Mr. L. Combs—13. A bill to incorporate the Lexington and Kentucky Railroad Company,

On the motion of same—14. A bill to regulate the sale of stone coal.

On the motion of same—15. A bill to amend the act approved February 7, 1845, exempting certain property from execution.

On the motion of Mr. Myers—16. A bill to establish an election precinct in Grant county, and for other purposes.

On the motion of Mr. Murray—17. A bill to change the name of Henry Lewis Price to that of Henry Lewis Tucker.

On the motion of Mr. Barnett—18. A bill to incorporate a company to build a Turnpike road from Greensburg to intersect the Bardstown and Glasgow Turnpike, at the most eligible point leading to Louisville, and for other purposes.

On the motion of Mr. Wortham—19. A bill to provide for the improvement of the navigation of Nolyn.

On the motion of same—20. A bill to authorize the County Court of Grayson to reduce the price of vacant land in said county.

On the motion of Mr. Dudley—21. A bill for the benefit of Jacob White, Sheriff of Fulton county.

On the motion of same—22. A bill to amend the law giving Justices of the Peace jurisdiction in cases of equity under five pounds.

On the motion of Mr. Priest—23. A bill to prohibit the citizens of this Commonwealth from hiring their slaves to free negroes.

On the motion of Mr. Mayhall—24. A bill to amend the act of 1839, relative to the settlement of insolvent estates.

On the motion of same—25. A bill to amend the law on the subject of corporations and partnership concerns.

On the motion of same—26. A bill to amend the law on the subject of non-residents.

On the motion of same—27. A bill for the benefit of Richard Smart, a Constable of Hancock county.

On the motion of Mr. Sparks—28. A bill to run and mark the line between Knox and Harlan counties.

On the motion of Mr. Maxey—29. A bill to incorporate the Green River Navigation and Manufacturing Company.

On the motion of same—30. A bill to amend and reduce into one the several acts concerning divorces.

On the motion of Mr. E. Smith—31. A bill to amend the penal laws.

On the motion of same—32. A bill to amend the laws regulating civil proceedings before Justices of the Peace.

On the motion of Mr. Dallam—33. A bill to amend the law in relation to the collection of rents, and preventing the fraudulent practices of tenants.

On the motion of Mr. E. Smith—34. A bill to improve the road from Crab Orchard to Somerset.

On the motion of Mr. Waller—35. A bill for the benefit of Frances Gault, late Frances Bledsoe.

On the motion of Mr. Orr—36. A bill for the benefit of William G. Simpson, Deputy Sheriff of Owen county.

On the motion of same—37. A bill to build a bridge across Eagle creek, at some suitable place in the county of Owen.

On the motion of same—38. A bill to incorporate the town of New Liberty, in the county of Owen.

On the motion of Mr. Rodman—39. A bill for the benefit of Mary Flint, of Oldham county.

On the motion of Mr. Ford—40. A bill to change the name of Amos Taylor Crow, to that of Amos Taylor Nichols.

On the motion of Mr. Hay—41. A bill for the purpose of cutting a canal at Lock and Dam, No. 3, on Green river.

On the motion of Mr. Speed—42. A bill to provide for appeals from Justices of the Peace in chancery causes, under five pounds.

On the motion of Mr. S. Stone—43. A bill for the benefit of Samuel Godsey, of Russell county.

On the motion of Mr. D. B. Johnson—44. A bill to regulate the compensation to persons for taking up property floating on the rivers in this Commonwealth.

On the motion of same—45. A bill to change the time of holding the Circuit Courts in the county of Trimble.

On the motion of same—46. A bill to equalize the pay of grand and petit jurors.

On the motion of same—47. A bill to amend the laws in relation to capital punishments.

On the motion of Mr. Mills—48. A bill for the benefit of Jesse Spradling, of Wayne county.

On the motion of Mr. Evans—49. A bill amending the law relating to the emancipation of slaves, by requiring the emancipators to send them to Liberia, or to some place without the limits of the United States.

On the motion of Mr. Moore—50. A bill for the benefit of John McIntire, Noah Pinxton, and John Moore, Justices of the Peace in Washington county.

On the motion of same—51. A bill to reduce the fees of the Circuit and County Court Clerks, and for other purposes.

On the motion of Mr. G. Bowling—52. A bill more particularly to define the county line between Breathitt and Perry.

On the motion of same—53. A bill to amend an act for the benefit of James Johnson, approved January 24, 1845.

Ordered, That the committee on Privileges and Elections prepare and bring in the 1st; Messrs. G. Bowling, Begley, and Hatfield the 2d; Messrs. Root, Hardy, Desha, and Cox the 3d; the committee on Agriculture and Manufactures the 4th and 14th; the committee on the Judiciary the 5th, 8th, 10th, 11th, 12th, 21st, 22d, 23d, 24th, 25th, 26th, 31st, 32d, 33d, 38th, 42d, 43d, 48th, and 49th; Messrs. Haggard, Clarke, Wheat, and Mills the 6th; Messrs. Haggard, Hardy, and S. Stone the 7th; Messrs. Begley, E. Smith, and Short the 9th; the committee on Internal Improvement the 13th, 18th, 29th, 34th, and 41st; Messrs. G. Bowling, Hardy, and Short the 15th; Messrs. Myers, Jackson, and Priest the 16th; Messrs. Murray, Wheat, and Orr the 17th; Messrs. Wortham, Maxey, and Gardner the 19th; Messrs. Wortham, J. Smith, and Ford the 20th; Messrs. Mayhall, Haggard, J. Smith, and Speed the 27th; Messrs. Sparks, Begley, and Haggard the 28th; Messrs. Maxey, Hardy, Kelly, and Wheat the 30th; the committee on the Sinking Fund the 35th; the committee on Ways and Means the 36th, 37th, 39th, 50th, and 51st; the committee on Religion the 40th; Messrs. D. B. Johnson, Hardy, Rodman, and Clarke the 44th; Messrs. D. B. Johnson, Rodman, Botts, and Miller the 45th; Messrs. D. B. Johnson, Rodman, and Miller the 46th; Messrs. D. B. Johnson, Botts, and Miller the 47th; Messrs. G. Bowling, E. Smith, and Begley the 52d; and Messrs. G. Bowling, Short, and Begley the 53d.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Ways and Means—A bill to amend the charter of the Bank of the Commonwealth.

By Mr. McCampbell—A bill to change the place of voting in the Liberty precinct, in Jessamine county, and for other purposes.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. E. Smith moved the following resolution, viz:

Resolved, That the committee on Internal Improvement be instructed to enquire into the expediency of amending the laws regulating the public works, to permit residents in their respective counties, to pass free of toll, the gates upon the roads in which the State has stock, in going and returning: 1st, To the County Seat in attending Courts and elections required by law; 2d, In going and returning from public worship, and attending military parades, when required by law.

Which was adopted.

Mr. E. Smith moved the following resolution, viz:

Resolved, That the committee on Internal Improvement be instructed to enquire into the expediency of removing the obstructions to the navigation of Rockcastle river.

Which was adopted.

Mr. McKellup moved the following resolution, viz:

Resolved, That the committee on Internal Improvement be instructed to enquire into the expediency of reporting a bill appropriating money for improving the navigation of Kinniconick, in Lewis county, and for other purposes.

Which was adopted.

The amendments proposed by the Senate, to a bill from this House, entitled, an act for the benefit of Gideon S. and Susan Mary Mims, infant heirs of Gideon Mins, Jr., deceased, were taken up, twice read, and concurred in.

A bill from the Senate, entitled, an act to amend the act, entitled, an act to incorporate the Louisville and Bonharbour Coal Company, approved January 28, 1833, was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Kelly moved a reconsideration of the vote passing a bill, entitled, an act to reduce the salaries of the Circuit Judges of this Commonwealth, and for other purposes.

And then the House adjourned.

MONDAY, JANUARY 26, 1846.

A message was received from the Senate, announcing the passage of bills from this House, of the following titles, viz:

An act to amend the charter of the Agricultural Society of Bourbon county.

An act to change the State road from Paducah to Gray's ferry, on the Tennessee river.

That they had passed bills of the following titles, viz:

An act for the benefit of Wm. H. Stephens, and the heirs of Solomou Derosssett, deceased.

An act for the benefit of Elias P. Davis.

An act to extend the time for registering headright surveys.

1. Mr. Orr presented the petition of Wm. M. Suter, guardian of the infant children of Thomas Suter, praying the passage of a law authorizing a sale of certain real estate belonging to his wards.

2. Mr. Hardy presented the petition of John S. Bohannon, praying the passage of a law authorizing the infant heirs of John Furguson, deceased, to convey certain lands.

3. Also, the petition of R. D. Maupin, praying an amendment to the laws in relation to tipling houses.

4. Mr. Wheat presented the petition of Joseph H. Coleman, praying the passage of a law allowing him a change of venue in a prosecution pending against him in the Adair Circuit Court, for murder.

5. Mr. Seaton presented the petition of sundry citizens of Greenup county, praying the passage of a law authorizing the licensing of retailers of spirituous liquors, under certain restrictions.

6. The Speaker laid before the House the petition of Eliza Jane Smith, praying the passage of a law authorizing a sale of certain real estate held in trust for her use.

7. Mr. Maxey presented the petition of sundry citizens of Hart county, praying the passage of a law incorporating a company to construct a bridge across Green river.

8. Mr. Pope presented the petition of sundry citizens of Jefferson county, praying the passage of a law authorizing the filling up of Bear Grass creek, and the cutting of a canal from Geigers' mill to the Ohio river.

9. Mr. Lapsley presented the petition of William Yates, praying compensation for keeping a lunatic.

Which were received, the reading thereof dispensed with, and referred, the 1st, 2d, 4th, and 6th to the committee on the Judiciary; the 3d to the committee on Religion; the 5th to the committee on Ways and Means; the 7th and 8th to the committee on Internal Improvement; and the 9th to the committee on Claims.

The House then took up the motion made by Mr. Kelly, on Saturday, to re-consider the vote passing the bill to reduce the salaries of the Circuit Judges of this Commonwealth, and for other purposes.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Kelly and Haggard, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Finnell,	Myers,
Messrs. Botts,	Gore,	Pope,
Bowling, R. C.	Harlan,	Riley,
Brooks,	Hardy,	Root,
Clack,	Hay,	Seaton,
Clarke,	Jackson,	Smith, E.
Combs, L.	Jones,	Smith, J. Speed
Cox,	Kelly,	Sparks,
Dallam,	Mayhall,	Speed,
Darnaby,	Maxey,	Stevenson,
Duncan,	McC Campbell,	Thurston,
Evans,	McKellup,	Wallace,
Ford,	Miller,	Waller—39.

Those who voted in the negative, were—

Messrs. Barlow,	Head,	Orr,
Barnett,	Headley,	Priest,
Begley,	Howell,	Railey,
Bowling, G.	Hunton,	Rodman,
Brown,	Johnson, D. B.	Shawhan,
Cessna,	Johnston, A.	Short,
Cleveland,	Lapsley,	Smith, J.
Combs, J.	Layne,	Stone, B.
Conner,	Mayes,	Stone, S.
Dudley,	Mills,	Thomas, W
Gardner,	Moore,	Wheat,

Glenn,
Haggard,
Hatfield,

Murray,
Orndorff,

Whitlock,
Wortham—40.

Mr. Pope moved the following resolution, viz:

Resolved, That this House will take a recess at half past one, until three o'clock, P. M., and permit Mr. Patten to examine three blind children, pupils of the Institution at Louisville, before and in the House.

Which was adopted.

On motion of Mr. Hunton,

Resolved, That the Sergeant-at-Arms put up a curtain at the window in the South corner of this Hall, as soon as possible.

Bills from the Senate, of the following titles, viz:

1. An act to regulate the terms of the Christian County Court.
2. An act to change the names of Amanda Jones Hinds and others, and for other purposes.
3. An act to change the name of George W. Sowder to George W. Haley.
4. An act for the benefit of the widow and heirs of Frederick Adkins, deceased.
5. An act to change the Anderson and Franklin county line.
6. An act to amend an act, entitled, an act to amend the law regulating appeals from the judgment of Justices of the Peace, approved Dec. 23, 1831.
7. An act to amend the charter of the Fireman's Insurance Company of Louisville.
8. An act to amend an act to prevent the burning of the woods in certain counties, and for other purposes, approved February 7, 1840.
9. An act to amend the penal laws.
10. An act permitting mill dams to be erected on Little Sandy river, under certain restrictions.
11. An act to amend the charter of the Louisville and Elizabethtown Turnpike Road Company, and provide for the erection of a bridge across Salt river, at the mouth.
12. An act providing for a change of venue in the prosecution against Henry Green.
13. An act for the benefit of Napoleon B. Burks and Eliza Jane Burks, his wife.
14. An act for the benefit of the Marine Railways in the town of Paducah.
15. An act to appoint Commissioners to collect the debts due the Farmer's Bank of Somerset, and pay the same to its creditors.
16. An act permitting Robert Prator to build a mill dam across Licking river, in Morgan county.
17. An act requiring certain duties of Justices of the Peace.

18. An act for the benefit of William Wadlington, of Caldwell county.
19. An act to amend an act to reduce into one the several acts regulating the town of Nicholasville, approved February 12, 1836.
20. An act for the benefit of Lewis Barrett and John Wyatte.
21. An act for the benefit of James W. Prater and Erastus Evans.
22. An act to authorize the committing of criminals in Scott county, to the jails of the adjoining counties.
23. An act to amend the duelling laws.
24. An act to legalize the proceedings of the Trigg County Court, at the November term, 1845.
25. An act to divorce Elizabeth Wydel.
26. An act to divorce Louisa Gray.
27. An act for the benefit of Joshua P. Owens, James S. Owens, and Margaret F. Owens, infant heirs of Jeremiah Owens, deceased.
28. An act for the benefit of the heirs of Redmond F. Monday.
29. An act to allow an additional Justice of the Peace to Carter county, and for other purposes.
30. An act for the benefit of Mrs. Diana McGuire.
31. An act to establish an additional election precinct in Laurel county, at the house of William McHargue, on Big Robertson creek.
32. An act to establish an additional election precinct in Lawrence county.
33. An act to change the place of voting in the lower precinct in Spencer county, from the house of Edrington Collins to McGrew's mill house, in Waterford.
34. An act to amend an act, entitled, an act to amend an act incorporating the Louisville and Mississippi Railroad Company, and to promote the construction of a Railroad between said city and river.
35. An act for the benefit of the idiots of Perry and Letcher counties.
36. An act concerning the town of Russellville.
37. An act to provide for the erection of a Marine Railway in the town of Hickman, and for other purposes.
38. An act for the benefit of Elias P. Davis.
39. An act for the benefit of William H. Stephens, and the heirs of Solomon Derossett, deceased.
40. An act to extend the time for registering headright surveys.
41. An act for the benefit of Elijah McWhorter, of Clay county, and William J. Mayo, of Floyd county.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 3d, 7th, 8th, 14th, 15th, 19th, 22d, 23d, 29th, 31st, 32d, 33d, 35th, and 37th were severally ordered to be read a third time; the 2d, 4th, 6th, 9th, 12th, 13th, 17th, 18th, 20th, 27th,

28th, 34th, 36th, and 39th were referred to the committee on the Judiciary; the 5th to the committee on Propositions and Grievances; the 10th, 11th, 16th, and 38th to the committee on Internal Improvement; the 21st and 40th to the committee on Ways and Means; the 25th and 26th to the committee on Religion; the 30th and 41st to the committee on Claims.

The rule of the House, constitutional provision and third reading of the 1st, 3d, 7th, 8th, 14th, 15th, 19th, 22d, 23d, 24th, 29th, 31st, 32d, 33d, 35th, and 37th bills having been dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The yeas and nays being required on the passage of the 23d bill, by Messrs. E. Smith and J. Smith, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Haggard,	Myers,
Messrs. Barlow,	Harlan,	Orndorff,
Begley,	Hardy,	Pope,
Botts,	Hay,	Railey,
Bowling, R. C.	Head,	Riley,
Brown,	Headley,	Rodman,
Cessna,	Hunton,	Root,
Clack,	Jackson,	Seaton,
Clarke,	Johnson, D. B.	Shawhan,
Cleaveland,	Johnston, A.	Smith, J. Speed
Combs, J.	Jones,	Sparks,
Combs, L.	Kelly,	Speed,
Conner,	Lapsley,	Stone, B.
Dallam,	Layne,	Stone, S.
Darnaby,	Mayhall,	Thomas, W.
Dudley,	Mayes,	Thurston,
Evans,	Maxey,	Waller,
Finnell,	McC Campbell,	Wheat,
Gardner,	Mills,	Whitlock,
Glenn,	Miller,	Wortham—61.
Gore,		

Those who voted in the negative, were—

Messrs. Barnett,	Howell,	Priest,
Bowling, G.	McKellup,	Smith, E.
Brooks,	Moore,	Smith, J.
Cox,	Murray,	Stevenson,
Ford,	Orr,	Wallace—15.

Bills from the Senate, of the following titles, viz:

An act to incorporate the town of Mount Eden, in Spencer county.

An act to allow an additional Justice of the Peace to Lawrence county.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

The said bills were then amended.

Ordered, That said bills, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

Resolved, That said bills do pass, and that the titles be amended by adding to each, "and for other purposes."

The Speaker laid before the House the report of the President of the Bank of the Commonwealth of Kentucky, which is as follows, viz:

COMMONWEALTH'S BANK OFFICE, }
January 26, 1846. }

Sir:

Since my last annual report, as President of the Commonwealth's Bank, I have collected the sum of \$7,710 10 cents; to which add the sum of \$357 70 cents, cash on hand on the 1st day of January, 1845, in all \$8,067 80 cents, of which last sum, \$6,349 77 cents has been paid to the Treasury for the use of the Sinking Fund. The sum of \$110 81 cents to the redemption of notes in circulation, and the sum of \$1,346 44 cents to the payment of salary, incidental expenses, &c.; cash on hand. \$261 78 cents,

During the past year, I have secured the further sum of \$7,500, of doubtful debt, the greater part of which will be realized by the Sinking Fund during the current year. There is still due the Bank, as manifested by the books, about \$200,000, part of which may be realized if properly managed.

I would suggest the propriety of a grant of full power to the Commissioners of the Sinking Fund, to sell, compromise, and dispose of all bad and doubtful debts now due the Bank, or that a collecting agent be appointed, under their superintendence, with a liberal commission on all moneys collected and paid into the Treasury. In obedience to the act of last session, a final settlement of my accounts has been made by the Commissioners appointed for that purpose, and reported to the Legislature.

With great respect,

O. G. CATES, P. B. C.

HON. JOSEPH R. UNDERWOOD,

Speaker of the House of Representatives.

Ordered, That said report be referred to the committee on the Sinking Fund.

Mr. Finnell, from the committee appointed to prepare and bring in the same, reported a bill to incorporate the Licking River Navigation Company; which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with, it was referred to the committee on Internal Improvement.

Mr. Pope presented the remonstrance of sundry citizens of Henry county, against adding a part of said county to the county of Oldham; which was

received, the reading dispensed with, and referred to the committee on Propositions and Grievances.

Mr. Wortham moved to suspend the rules of the House, to take up the resolution from the Senate fixing a day for the adjournment of the General Assembly.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Ford and Wortham, were as follows, viz :

Those who voted in the affirmative, were—

Messrs. Barlow,	Hardy,	Moore,
Barnett,	Hatfield,	Murray,
Bowling, G.	Head,	Orndorff,
Bowling, R. C.	Headley,	Orr,
Brown,	Howell,	Priest,
Brooks,	Hunton,	Railey,
Conner,	Johnston, A.	Riley,
Darnaby,	Jones,	Shawhan,
Dudley,	Lapsley,	Short,
Duncan,	Mayes,	Speed,
Ford,	Maxey,	Wallace,
Gardner,	Mills,	Wortham—37.
Glenn,		

Those who voted in the negative, were—

Mr. Speaker,	Harlan,	Seaton,
Messrs. Begley,	Hay,	Smith, E.
Botts,	Jackson,	Smith, J.
Cessna,	Johnson, D. B.	Smith, J. Speed
Clack,	Kelly,	Sparks,
Clarke,	Layne,	Stevenson,
Cleaveland,	Mayhall,	Stone, B.
Combs, J.	McCampbell,	Stone, S.
Combs, L.	Miller,	Thomas, W.
Cox,	Myers,	Thurston,
Dallam,	Peters,	Walker,
Evans,	Pope,	Waller,
Finnell,	Rodman,	Wheat,
Gore,	Root,	Whitlock—43.
Haggard,		

The amendments proposed by the Senate, to bills from this House, of the following titles, viz ;

An act divorcing Thomas Watson from his wife, Amanda Watson.

An act for the benefit of the County Court of Livingston county, and for other purposes.

An act for the benefit of Richard H. Ranson.

An act in relation to keeping the public roads in Clarke and Todd counties in repair.

An act for the benefit of Smith Wingate and Charles Horsman.

An act for the benefit of the children of Achilles Moorman.

An act to change the name of William Oden Smith to that of Markham Oden Smith, and to change the name of Ephraim Pendleton.

An act allowing additional Justices of the Peace and Constables to certain counties, and for other purposes.

An act to reduce the price of unappropriated land in Madison county.

An act for the benefit of the County Court of Russell.

An act for the benefit of the Sheriff of Perry county.

An act to incorporate the town of Mayfield, and for other purposes.

An act for the benefit of Milton King, Clerk of the Cumberland County and Circuit Courts.

An act for the benefit of the late Sheriff of Casey county, and for other purposes.

Were taken up, twice read, and concurred in.

The amendments proposed by the Senate, to resolutions from this House, in relation to the Public Printing, were taken up, twice read, and concurred in.

On motion of Mr. Clack,

Ordered, That he be excused from serving on the joint committee on Public Printing.

Whereupon, Mr. Gore was appointed on said committee.

A bill from the Senate, entitled, an act to change the Russell and Clinton county line, was read the third time.

On motion of Mr. S. Stone,

Ordered, That said bill be laid on the table.

And then the House adjourned.

TUESDAY, JANUARY 27, 1846.

1. Mr. Fallis presented the petition of James Pierce, praying an extension of the bounds of the Constable's District, including the town of Newcastle, in Henry county.

2. Mr. Dudley presented the petition of sundry citizens (mechanics,) of the town of Paducah, praying the passage of a law incorporating the Mechanics' Institute of said town.

3. Mr. Abbett presented the petition of Charles W. Reser, praying to be divorced from his wife, Susannah Reser.

4. Mr. Pope presented the petition of sundry citizens of Henry county, praying that a company be incorporated to construct a Railroad between Frankfort and Louisville.

5. Mr. Seaton presented the petition of sundry citizens of Greenup county, praying the passage of a law authorizing the licensing of retailers of spirituous liquors, under certain restrictions.

Which were received, the reading thereof dispensed with, and referred, the 1st to the committee on Privileges and Elections; the 2d to the committee on the Judiciary; the 3d to the committee on Religion; the 4th to the committee on Internal Improvement; and the 5th to the committee on Ways and Means.

The House resumed the consideration of the bill from the Senate, entitled, an act to amend the charter of the Glasgow and Scottville Turnpike Road Company.

Ordered, That the further consideration of said bill be postponed until Thursday next.

Mr. Cox, from the committee on Internal Improvement, to whom was referred a bill for the benefit of the Covington and Lexington Turnpike Company, reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Cox, from the same committee, to whom was referred the petition of John Renfro, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Mr. Sparks moved to amend said resolution, by striking out "be rejected," and inserting, "is reasonable."

And the question being taken thereon, it was decided in the negative.

The said resolution was then concurred in.

Mr. Root, from the committee on Education, to whom was referred a bill for the benefit of Common Schools in Graves county, and for other purposes, reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Root, from the same committee, to whom was referred, the bill for the benefit of Common Schools in this Commonwealth, reported the same with amendments.

Ordered, That said bill and amendments be made the special order of the day for Tuesday, the 3d of February.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Internal Improvement—1. A bill for the benefit of Nathaniel Wickliffe.

By same—2. A bill for the benefit of Turner Wilson.

By same—3. A bill to incorporate the Barren River Navigation and Manufacturing Company.

By same—4. A bill to provide for filling vacancies in the directory of Turnpike Road Companies.

By the committee on Education—5. A bill to authorize the Trustee of the Craddock Fund to surrender his trust, and to constitute a permanent board to manage the same.

By same—6. A bill to incorporate the Maysville College, and for other purposes.

By the committee on Military Affairs—7. A bill for the benefit of the Fayette Rifle Company.

By same—8. A bill for the benefit of the 70th Regiment of Kentucky militia.

By same—9. A bill to provide for the payment of troops called into the service of the State, and for other purposes.

By same—10. A bill for the benefit of Jonathan Newcum.

By same—11. A bill for the benefit of Samuel F. Taylor, and others.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills (except the 11th,) having been dispensed with, the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, and 10th were severally ordered to be engrossed and read a third time, and the 9th was referred to the committee on Military Affairs.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, and 10th bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Alexander, from the committee on Military Affairs, who were appointed to prepare and bring in the same, reported a bill for the benefit of George W. Fox, and others; which was read the first time,

And the question being taken on reading said bill a second time, it was decided in the negative, and so said bill was rejected.

Mr. Alexander, from the committee on Military Affairs, who were appointed to prepare and bring in the same, reported a bill to amend an act, entitled, an act to amend the militia laws, approved February 9, 1837; which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Ordered, That said bill be made the special order of the day for Saturday the 31st instant.

On motion of Mr. Sparks, leave was given him to withdraw the petition of J. Renfro, and the same was withdrawn.

Mr. Barlow, from the committee on the Penitentiary, to whom was referred the resolutions proposed by Mr. E. Smith on the 20th instant, asked to be discharged from the further consideration thereof.

A division of the question being called for, the question was first taken on discharging the committee from further consideration of the first resolution, and it was decided in the affirmative.

The question was then taken on discharging the committee from the further consideration of the second resolution, and it was decided in the negative.

Mr. Waller, from the committee on the Sinking Fund, who were appointed to prepare and bring in the same, reported a bill for the benefit of Henry Blanton and Robert Snell, and their securities; which was read the first time and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

The hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

The House then, according to order, took up for consideration the bill further to protect the rights of married women.

On motion,

Ordered, That said bill be referred to the committee on the Judiciary, with instructions to report the same to the House on Wednesday, the 4th of February next.

The House then took up for consideration the resolution from the Senate, fixing a day for the final adjournment of the General Assembly.

Mr. J. Speed Smith moved to postpone the further consideration of said resolution to Friday, the 6th of February next.

Mr. Hunton moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the further consideration of said resolution be postponed? and it was decided in the affirmative.

On motion of Mr. Peters, leave was given to bring in a bill to change the name of Mary M. Graham to that of Mary M. McIntire, her maiden name.

Ordered, That the committee on the Judiciary prepare and bring in the same.

On motion of Mr. Kelly,

Ordered, That leave of absence, until Monday next, be granted Mr. Myers.

Mr. Brown, from the committee to whom was referred the bill to amend an act, entitled, an act to reduce into one the several acts exempting property from execution, and for other purposes, reported the same with an amendment as a substitute for said bill.

And after some discussion had thereon,

The House adjourned.

WEDNESDAY, JANUARY 28, 1846.

1. Mr. Botts presented the petition of Sylvester Johnson, Guardian of John Atherton, praying the passage of a law authorizing him to sell a slave belonging to his ward.

2. Mr. Glenn presented the petition of the Todd County Court, praying a repeal of the act requiring said Court to procure a set of weights and measures.

3. Mr. G. Bowling presented the petition of Thomas Sewell, praying the passage of a law allowing him to change an alley running between lots Nos. 2 and 3, in the town of Jackson.

4. Mr. Anthony presented the remonstrance of sundry citizens, against the formation of a new county out of parts of Barren, Allen, and Monroe counties.

5. Also, the remonstrance of Lucy S. Starke, against the divorce of her husband, Charles C. Starke.

6. Mr. Hughes presented the petition of Peter F. Ogilby, praying that certain marriages solemnized by him, may be legalized.

7. Mr. E. Smith presented the petition of Andrew Craig, praying that permission be given him to bring into this State, certain slaves.

8. Also, the petition of Andrew Craig, praying an amendment to the laws in relation to the Wilderness Turnpike Road.

9. Mr. Speed presented the petition of J. Sweeney, praying that School District, No. 6, in Casey county, be allowed compensation for a school taught in said district, and for which no allowance has been made.

10. Mr. Hunton presented the petition of sundry citizens of Clarke county, praying that an election precinct in said county be abolished.

Which were received, the reading thereof dispensed with, and referred, the 1st, 6th, and 7th to the committee on the Judiciary; the 2d to the committee on Agriculture and Manufactures; the 3d to Messrs. G. Bowling, Begley, and Hatfield; the 4th to the committee on Propositions and Grievances; the 5th to the committee on Religion; the 8th to the committee on Internal Improvement; the 9th to the committee on Education; and the 10th to the committee on Privileges and Elections.

A message was received from the Senate, announcing their concurrence in the amendment proposed by this House, to bills from the Senate, of the following titles, viz:

An act to incorporate the town of Mount Eden, in Spencer county.

An act to allow an additional Justice of the Peace to Lawrence county.

That they had disagreed to a bill from this House, entitled, an act for the benefit of Thomas M. Gibson, and others.

That they had passed bills from this House, of the following titles, viz:

An act for the benefit of Alexander Strong, of Breathitt county.

An act authorizing Mary L. Burch to erect a fish dam across the Rolling Fork of Salt river.

An act to amend the charter of the Bank of the Commonwealth.

An act for the benefit of John Duerson.

An act for the benefit of the Sheriff of Union county.

With amendments to the last named bill.

That they had passed bills of the following titles, viz:

An act concerning the town of Albany, in Clinton county.

An act concerning Turnpike Roads.

An act for the benefit of Wilson Baker.

An act to change the Trimble county line.

An act to change the name of Hardin Land to Hardin Crawford.

An act to legalize the appointment of William W. Stockton, Constable of Green county.

An act to establish a portion of the line between the States of Kentucky and Tennessee.

Mr. E. Smith moved a re-consideration of the vote rejecting the bill for the benefit of George W. Fox, and others.

On motion of Mr. Harlan,

Ordered, That the rule requiring this House to meet at 9 o'clock, be rescinded.

The House again resumed the consideration of the bill for the benefit of Henry Blanton and Robert Snell, and their securities.

Ordered, That said bill be referred to the committee on the Judiciary.

Mr. Dallam, from the committee on Enrollments, reported that the committee had examined enrolled bills and a resolution from this House, of the following titles, and had found the same truly enrolled, viz:

An act to legalize certain proceedings of the 20th Regiment, and for other purposes.

An act for the benefit of Daniel O'Neal and Sarah Graham.

An act to change the places of voting in election precincts in the counties of Breathitt and Clay.

An act to establish a precinct at Friendship School House, in Madison county, and for other purposes.

An act to place the State road leading from Moss' ferry, on the Tennessee river, to Wadsworth, under the control of the Marshall County Court.

An act for the benefit of John Young, Surveyor of Greenup county.

An act in relation to keeping the public roads in Clarke and Todd counties in repair.

An act divorcing Thomas Watson from his wife, Amanda Watson, and for other purposes.

An act for the benefit of the County Court of Livingston county, and for other purposes.

An act for the benefit of Smith Wingate and Charles Horsman, and W. D. Mitchell, Clerk of the County and Circuit Courts of Oldham.

An act for the benefit of Richard H. Ranson.

An act for the benefit of the County Courts of Russell and Clinton.

An act to reduce the price of unappropriated land in Madison county.

An act for the benefit of the Sheriff of Perry county.

An act for the benefit of Milton King, Clerk of the Cumberland County and Circuit Courts.

An act to change the name of William Oden Smith to William Markham Oden Smith, and to change the name of Ephraim Pendleton.

An act for the benefit of the late Sheriff of Casey county, and for other purposes.

An act to amend the charter of the Agricultural Society of Bourbon county.

An act to change the State road from Paducah to Gray's ferry, on the Tennessee river.

An act for the benefit of Gideon S. and Susan Mary Mims, infant heirs of Gideon Mims, Jr., deceased.

An act to prevent the sale of spirituous liquors within the town of Lagrange, and one mile therefrom.

An act to incorporate the town of Hillsboro', in the county of Fleming.

A resolution requesting the Secretary of State to communicate to the General Assembly, his system of finance.

That they had examined bills from the Senate, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of John Thomas.

An act for the benefit of Joseph A. Radford and Louisa J. Radford,

An act for the benefit of Louisa Ann Coleman, and Charles H. Kenner, and Marcus M. Kenner.

An act providing for a change of venue in the prosecution against Garrett Fitzpatrick.

An act to regulate the terms of the Christian County Court.

An act to change the name of George W. Sowder to George W. Haley.

An act to amend the charter of the Fireman's Insurance Company of Louisville.

An act to amend an act to prevent the burning of the woods in certain counties, and for other purposes, approved February 7, 1840.

An act for the benefit of the Marine Railways in the town of Paducah.

An act to appoint Commissioners to collect the debts due the Farmer's Bank of Somerset, and pay the same to its creditors.

An act to authorize the committing of criminals in Scott county, to the jails of the adjoining counties.

An act to amend an act to reduce into one the several acts regulating the town of Nicholasville, approved February 12, 1836.

An act to legalize the proceedings of the Trigg County Court, at the November term, 1845.

An act to incorporate the town of Mount Eden, in Spencer county, and for other purposes.

An act to amend the duelling laws.

An act to allow an additional Justice of the Peace to Carter county, and for other purposes.

An act to allow an additional Justice of the Peace to Lawrence county, and for other purposes.

An act to establish an additional election precinct in Laurel county, at the house of William McHargue, on Big Robertson's creek.

An act to establish an additional election precinct in Lawrence county.

An act to change the place of voting in the lower precinct in Spencer county, from the house of Edrington Collins to McGrew's mill house, in Waterford.

An act for the benefit of the idiots of Perry and Letcher counties.

An act to amend the act, entitled, an act to incorporate the Louisville and Bonharbour Coal Company, approved January 25, 1833.

An act to provide for the erection of a Marine Railway in the town of Hickman, and for other purposes.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Dallam inform the Senate thereof.

Mr. Brown, from the committee on the Library, to whom was referred the bill for the benefit of Nathan Marsh, reported the same with an amendment, as a substitute for the bill.

Ordered, That said bill and amendment be re-committed to the committee on the Library.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Ways and Means—1. A bill to regulate the duties of Commissioners of Tax.

By the committee on Propositions and Grievances—2. A bill to extend the limits of the town of Hopkinsville.

By same—3. A bill to establish and incorporate the town of Fairview.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, was made the special order of the day for Monday, the 2d of February next, and the 2d and 3d were severally ordered to be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of the 2d and 3d bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. S. Stone, from the committee on Propositions and Grievances, reported a bill to establish the county of ———, which was read the first time as follows, viz:

SEC. 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That from and after the first day of March next, all that part of Caldwell county, lying and being within the following bounds, viz: Beginning where the old road from Eddyville to Hopkinsville crosses the Trigg county line, near the late Mrs. George's; and running from thence a straight line to the house of John Boyd, on the Turnpike road leading from Princeton to Eddyville, including the house of said Boyd in the new county; thence a straight line to Livingston creek, at old Centreville, where the main road from Princeton to Salem crosses said creek; thence with said creek to Cumberland river; thence crossing said river, and running with the Livingston county line, to the Tennessee river; thence with said river to the Trigg county line; and thence with said line to the beginning, shall form and constitute a new county, to be called the county of

SEC. 2. That the Governor of this Commonwealth shall appoint a Sheriff, and nine Justices of the Peace, for the said new county; and it shall be the duty of the said Justices to meet at the Court House in the town of Eddyville, on or before the first Monday in March next, and after having taken the necessary oath of office, and qualified the Sheriff, shall proceed to appoint a Clerk of the County Court of _____, to whose permanent appointment a majority of all the Justices in commission in and for said county, shall concur; but if such majority cannot be had in favor of any one person, then the County Court of said county, may appoint a Clerk *pro tem.* until a majority of said Court shall concur in an appointment of Clerk.

SEC. 3. That the County Court of _____, shall be entitled to three Constables, and no more; and the County Court of said county, shall, as soon as the foregoing provisions of this act are complied with, lay off the same into three Constable's districts; and in the appointment of Constables and other county officers, shall be governed by the general laws in force regulating such appointments.

SEC. 4. That the County Court of _____, shall appoint Commissioners of Tax, for the year eighteen hundred and forty-six, who shall be governed by the laws regulating Commissioners of Tax in this Commonwealth.

SEC. 5. That the County Surveyor of Trigg county, be, and he is hereby, appointed Commissioner, with such assistants as he may deem necessary, to run and mark the division line specified in the first section of this bill; and said Commissioner shall be allowed the sum of two dollars per day, while engaged in running and marking the said line; and one dollar per day shall be allowed each assistant, payable out of the county levy of said county of _____, and the County Court shall, in making their levy, provide for such payment; and it shall be the duty also of said Court, to notify said Commissioner of the appointment herein made.

SEC. 6. That the town of Eddyville shall be the Seat of Justice for the county of _____.

SEC. 7. That all laws regulating elections in the counties of this Commonwealth, shall apply to the county of _____.

SEC. 8. That the county of _____, shall belong to the seventh Judicial District, and the Circuit Courts for said county, shall be held on the third Monday in February, and the first Monday in August, of each year, and shall continue six Juridical days each term, if the business of the Court shall require it; and the County Court shall be held on the first Monday in each and every month.

Ordered, That said bill be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

The said bill was then amended.

Mr. Hunton moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the bill, as amended, be engrossed and read a third time? and it was decided in the affirmative.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Dallam and Hughes, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Glover,	Orr,
Messrs. Abbett,	Haggard,	Rodman,
Barlow,	Hardy,	Root,
Bowling, G.	Hay,	Seaton,
Breeden,	Head,	Shawhan,
Brown,	Headley,	Short,
Brooks,	Howell,	Smith, E.
Cessna,	Hunton,	Smith, J.
Clarke,	Johnson, D. B.	Sparks,
Cleaveland,	Johnston, A.	Speed,
Conner,	Lapsley,	Stevenson,
Desha,	Layne,	Stone, B.
Dudley,	Maxey,	Stone, S.
Elliott,	McKellup,	Thomas, A. W.
Fallis,	Mills,	Walker,
Gano,	Murray,	Waller,
Gardner,	Orndorff,	Whitlock—52.
Glenn,		

Those who voted in the negative, were—

Messrs. Alexander,	Gore,	Pope,
Balee,	Harlan,	Priest,
Barnett,	Hughes,	Railey,
Botts,	Jackson,	Reid,
Clack,	Jones,	Riley,
Combs, J.	Kelly,	Smith, J. Speed
Combs, L.	Mason,	Thomas, W
Cox,	Mayhall,	Thurston,
Dallam,	Mayes,	Wallace,
Darnaby,	McCampbell,	Wheat,
Evans,	Miller,	Whitsett,
Ford,	Peters,	Wortham—36.

Resolved, That the title of said bill be amended to read, an act to establish the county of Underwood.

Mr. Fallis presented the remonstrance of sundry citizens of Henry county, against adding a part of said county to the county of Oldham; which was received, the reading dispensed with, and referred to the committee on Propositions and Grievances.

Mr. J. Speed Smith moved the following resolution, viz:

Resolved, That the committee on Internal Improvement be, and they are hereby, instructed to enquire and report to this House, whether efforts are

being made, or have been made, to appropriate to individual use, by laying warrants on the bed of the Kentucky river, or other navigable streams in this Commonwealth.

Which was adopted.

The House then took up the motion of Mr. E. Smith, to re-consider the vote rejecting the bill for the benefit of George W. Fox, and others.

And the question being taken thereon, it was decided in the affirmative.

And then the House adjourned.

THURSDAY, JANUARY 29, 1846.

A message was received from the Senate, announcing the passage of bills of the following titles, viz:

An act divorcing Benjamin M. Griffith from his wife, Mary Ann Griffith.

An act to repeal in part, an act, entitled, an act to amend the charter of the Louisville and Elizabethtown Turnpike Company, and Covington and Lexington Turnpike Company, approved February 7, 1845.

With amendments to the last named bill.

That they had passed bills of the following titles, viz:

An act for the benefit of the Kentucky Institution for the Education of the Blind.

An act to amend an act, entitled, an act to amend the several laws of this Commonwealth relative to the duties of Clerks of Courts, approved February 2, 1841.

An act for the benefit of Elizabeth Thompson and her infant children.

An act to change the name of William M. Gray to William M. Medlock, and for other purposes.

An act for the benefit of Allannah Cole.

An act for the benefit of Henry St. Phillips.

An act to establish a road in Madison and Garrard counties.

1. Mr. Haggard presented the petition of the members of the bar in Burksville, praying that an additional week be allowed to the terms of the Cumberland Circuit Court.

2. Mr. Peters presented the petition of Thomas C. Barnes, administrator of Benjamin F. Thomas, deceased, praying an appropriation to him in discharge of a judgment obtained by him against the Owingsville and Big Sandy Turnpike Company.

3. Mr. Mason presented the petition of sundry citizens of the town of Lancaster, praying an amendment to the charter of said town.

4. Mr. Cox presented the petition of sundry citizens of the town of Grayson, in Carter county, praying an extension of the limits of said town.

5. Mr. Mason presented the petition of sundry citizens of Garrard county, praying the passage of a law incorporating a Turnpike Road Company from Crab Orchard to Lancaster.

6. Mr. L. Combs presented the petition of sundry citizens of the town of Athens, in Fayette county, and its vicinity, praying that an additional Justice of the Peace be allowed to said county.

7. Mr. Whitsett presented the petition of sundry citizens of Barren county, praying the passage of a law appropriating funds heretofore donated to the Glasgow Academy, to the erection of suitable buildings for a female school.

8. Mr. Hardy presented the remonstrance of the Trustees of the Glasgow Academy, and of sundry citizens of Glasgow, against the withdrawal of the funds of said Academy and diverting them to other uses.

9. Mr. Short presented the petition of Sally Gustin, praying that compensation be made her for taking care of a lunatic.

10. Also, the petition of sundry citizens, praying that the Tug Fork of Sandy river be declared a navigable stream up to the mouth of Knox's creek.

11. Mr. Root presented the petition of L. M. Eckert and William Scott, praying compensation for conveying a lunatic to the Asylum at Lexington.

12. Mr. B. Stone presented the petition of sundry citizens of School District composed of parts of the counties of Montgomery, Estill, and Clarke, praying a repeal of the laws authorizing the licensing of persons to retail spirituous liquors in said district.

13. Mr. L. Combs presented the petition of John Neet and Neal McCan, praying an amendment to the jury laws in relation to the qualification of jurors.

14. Mr. Mayhall presented the petition of sundry citizens of Hancock county, praying a change in the place of voting in an election precinct in said county.

Which were received, the reading thereof dispensed with, (except the 12th and 14th, which were read,) and referred, the 1st, 3d, 4th, 6th, and 13th to the committee on the Judiciary; the 2d, 5th, and 10th to the committee on Internal Improvement; the 7th, 8th, and 12th to the committee on Education; the 9th to the committee on Ways and Means; the 11th to the committee on Claims; and the 14th to the committee on Privileges and Elections.

The Speaker laid before the House the response of the First Auditor, to the resolution proposed by Mr. Hardy on Saturday last, which is as follows, viz:

AUDITOR'S OFFICE,

Frankfort, January 26, 1846. }

SIR:

In obedience to a resolution of the House of Representatives of the 24th instant, handed me this morning, I have the honor, respectfully to submit the following report, viz:

On the 1st of December, 1845, I addressed a circular to each of the Turnpike Road Companies, requesting them, among other things, to give a statement of all the officers in their employment, the annual compensation allowed each, and the amount of stock held in their respective companies by the State, and also by individuals or corporations. I have received answers from most of them, and give the following abstract therefrom, viz:

Scott county portion of the Frankfort, Georgetown, and Paris Turnpike Road.—Treasurer, \$125; 2 gate keepers, \$150 each; exemption of toll to one member of the Board, (who acts as Superintendent,) and his family; stock held by State and individuals in equal proportions.

Danville, Lancaster, and Nicholasville Turnpike Road.—President, \$700; ten gate keepers, \$1,600, being an average of \$160; stock held by the State, \$151,341; by individuals and corporations, \$145,614.

Maysville and Mountsterling Turnpike Road.—President, \$2 per day when in service of the Board, estimated at \$100 per annum; Superintendent, \$200; 4 gate keepers at \$150 each; stock held by State, \$97,600; by individuals, \$86,400.

Between Georgetown and Williamstown.—President, \$75; Treasurer, \$125; three gate keepers, \$342, average to each, \$114; stock owned by State, \$82,719 74; by others, \$44,710 81.

Bardstown and Louisville Turnpike.—President, \$240; Treasurer, \$50; five gate keepers, \$662 50, being an average of \$132 50 each; Superintendent, \$75 to \$85; stock held by State, \$100,000; by others, \$100,000.

Versailles and Anderson Turnpike.—Treasurer, 2½ per cent. on receipts; one gate keeper, \$150; stock held by State, \$20,000; by others, \$20,637 38.

Elizabethtown and Bell's Tavern Turnpike.—Treasurer, \$350; five gate keepers, \$396, being an average of \$79 20 to each; State owns two-thirds of stock.

Glasgow and Scottsville Turnpike.—One gate keeper, \$48; stock held by State, \$104,986 27; by others, \$44,318 50.

Muldrow's Hill Turnpike.—One gate keeper, \$175; stock all owned by the State.

Anderson County Turnpike.—President, \$1 per day when in service; Superintendent, \$1 50 per day when in service; Treasurer, one half of one per cent. on amounts received; three gate keepers, \$324, being an average of \$108 each; stock held by State, \$42,950; by others, \$25,735.

Lexington and Georgetown Turnpike.—Treasurer, 3 per cent. on amounts received; two gate keepers, at \$500, being \$250 each; stock held by State, \$30,205 50; by others, \$30,300.

Richmond and Lexington Turnpike.—Superintendent, \$175; five gate keepers, \$480, average \$96 to each; stock held by the State, \$74,000; by others, \$74,000.

Frankfort and Hardinsville Turnpike.—President, \$50; one gate keeper, \$180; stock held by State, \$20,000; by others, \$17,490.

Bell's Tavern and Bowlinggreen Turnpike.—President, \$100; two gate keepers, \$135, the average to each being \$67 50; Secretary, \$25; stock held by State, \$82,624 80; by others, 38,274 75.

Bardstown and Green River Turnpike.—Three gate keepers at \$100 each, \$300; the State owns two-thirds of the stock.

Frankfort, Versailles and Lexington Turnpike.—Treasurer, \$300; four gate keepers, \$900, being an average of \$225 each; Directors and Attorney, \$10 each, per annum; stock held by State, \$78,122; by others, \$67,950.

Springfield and Bardstown Turnpike.—President, \$233 33; Treasurer, \$50; four gate keepers, \$350, being an average of \$87 50 to each; stock held by the State, two-thirds.

Mercer County Turnpike.—President, \$25; Secretary and Treasurer claims compensation, but amount not fixed; four gate keepers, \$410, being an average of \$102 50 to each; stock held by the State, \$71,800; by others, \$52,600.

Shelby County Turnpike.—President, \$100; Superintendent, \$300; four gate keepers, \$732, being an average of \$183 each; stock held by the State, \$47,759 54; by others, \$49,380 09.

Maysville, Washington, Paris and Lexington Turnpike.—Treasurer, \$300; Superintendent, \$800; thirteen gate keepers, \$2,250, being an average of \$173 54 each; stock held by the State, \$213,200; by others, \$213,200.

In all cases, the above salaries are paid out of the tolls received.

Respectfully submitted,

H. I. BODLEY, *Auditor.*

To the Hon. J. R. UNDERWOOD,

Speaker of the House of Representatives.

Ordered, That said response be referred to the committee on Internal Improvement.

The Speaker laid before the House the annual report of the Librarian, which is as follows, viz:

FRANKFORT, *January 19, 1845.*

SIR:

You will please lay before the honorable House, over which you preside, the accompanying report, which contains all the books purchased and received in the Public Library for the year 1845.

Respectfully yours,

G. A. ROBERTSON, *P. L.*

HON. JOSEPH R. UNDERWOOD,

Speaker of the House of Representatives.

Books purchased for the Public Library in 1845, by the House of Representatives:

12 Copies A. Beatty on Agriculture, - - - - - No. 7679 to 7690

Books purchased by the Judges of the Court of Appeals, for the Public Library, for the year 1845.

	Number.	Vols.	Dollars.
Ambler's Reports, - - - - -	7691 to 7692	2	16 00
English Chancery Reports, - - - - -	7693 to 7697	5	25 00
English Common Law Reports, 31 to 42, - - - - -	7698 to 7709	12	52 80
Law Library, 16 to 46 vol. inclusive, - - - - -	7710 to 7740	31	93 00
Louisiana Reports, vol. 15 to 19, inclusive, - - - - -	7741 to 7745	5	32 50
Leigh's Virginia Reports, vol. 10 to 11, inclusive, - - - - -	7746 to 7747	2	13 00
Story's Conflict of Law, - - - - -	7748	1	7 00
			\$239 30

Books received from the Secretary of State, 1845:

	Number.	Vols.
Senate Journal of Kentucky, - - - - -	7749 to 7743	25
House Journal of Kentucky, - - - - -	7774 to 7798	25
Acts of Kentucky, - - - - -	7799 to 7847	49
Reports Session, 1844-5, - - - - -	7848 to 7873	26
Ben. Monroe's Reports, - - - - -	7874 to 7883	10

G. A. ROBERTSON, *Public Librarian.*

Mr. Harlan read and laid on the table the following resolutions, viz :

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators and Representatives in Congress be requested to use their best endeavors to prevent any increase of the rates of postage.

Resolved, That the Governor be requested to transmit to our Senators and Representatives in Congress, a copy of the foregoing resolution.

A message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that he had approved and signed enrolled bills and a resolution, which originated in this House, of the following titles, viz :

An act to amend the charter of the Agricultural Society of Bourbon county.

An act to change the State road from Paducah to Gray's ferry, on the Tennessee river.

An act for the benefit of Gideon S. and Susan Mary Mims, infant heirs of Gideon Mims, Jr., deceased.

An act to prevent the sale of spirituous liquors within the town of Lorange, and one mile therefrom.

An act to incorporate the town of Hillsboro', in the county of Fleming.

An act to legalize certain proceedings of the 20th Regiment, and for other purposes.

An act for the benefit of Daniel O'Neal and Sarah Graham.

An act to establish a precinct at Friendship School House, in Madison county, and for other purposes.

An act to change the places of voting in election precincts in the counties of Breathitt and Clay.

An act for the benefit of John Young, Surveyor of Greenup county.

An act to place the State road leading from Moss' ferry, on the Tennessee river, to Waidsboro', under the control of the Marshall County Court.

An act in relation to keeping the public roads in Clarke and Todd counties in repair.

An act for the benefit of the County Court of Livingston county, and for other purposes.

An act divorcing Thomas Watson from his wife, Amanda Watson, and for other purposes.

An act for the benefit of Richard H. Ranson.

An act for the benefit of Smith Wingate and Charles Horsman, and W. D. Mitchell, Clerk of the County and Circuit Courts of Oldham county.

An act for the benefit of the Sheriff of Perry county.

An act for the benefit of the County Courts of Russell and Clinton.

An act to reduce the price of unappropriated land in Madison county.

An act for the benefit of Milton King, Clerk of the Cumberland County and Circuit Courts.

An act for the benefit of the late Sheriff of Casey county, and for other purposes.

An act to change the name of William Oden Smith to that of William Markham Oden Smith, and to change the name of Ephraim Pendleton.

A resolution requesting the Secretary of State to communicate to the General Assembly his system of Finance.

Approved January 29, 1846.

Mr. Gore, from the committee on Public Offices, made the following report, accompanied with a resolution, which is as follows, viz:

The joint committee on Public Offices have embraced every opportunity afforded them, of discharging the duties assigned them; and although the time allotted them has not been sufficient for them to make a full and minute examination of all the books and accounts, since the last report to the Legislature, yet they believe they have made such progress as to enable them to come to a favorable conclusion in relation to the condition of the different Public Offices.

Your committee have examined particularly the books, papers, and accounts of the Treasurer and Second Auditor, from October, 1844, to October, 1845. They called over the warrants drawn upon the Treasury and compared them with the corresponding numbers in the Register of Warrants drawn upon the Treasury, and found the same to be correct in every particular. They also examined and compared the books and accounts of the First Auditor and Treasurer and found the same to agree.

From the year 1840 to 1844, they examined the additions of the receipts and expenditures—compared the books of the Second Auditor with those of the Treasurer, and found their statements to correspond.

The committee deem it unnecessary to go into a detailed account of the office of Treasurer and Auditor, but would refer to the annual reports of those officers.

In the progress of examination, the committee are pleased to state, that they found the books and papers neatly arranged and in good order, and the officers and their clerks at all times pleasant and accommodating; and indeed the committee are inclined to believe, that those officers, in discharging the duties assigned them, have given ample evidence of industry, regularity and skill.

In the Register's Office, the committee find all the books and papers neatly arranged, and in a good state of preservation, and recorded up to the commencement of the present session. The clerks in this office are well qualified to discharge the duties assigned them, and from their agreeable dispositions and manly deportment cannot fail to give general satisfaction. Considering the deep interest the State of Kentucky has in the preservation of those offices, the committee would suggest the propriety of having them made fire-proof; and in order to form an estimate of the expenses, they have consulted with Mr. J. J. Vest, a respectable and experienced mechanic, and are thereby enabled to submit the following statement:

Take off the present roof of the Auditor's and Treasurer's office, and put upon the present walls an attic story of about 7½ feet high, with small windows suitable to rooms above, which can be made by stud partition and which will be necessary in support of the roof. Small rooms above may also be convenient for the reception of many old books and papers, which it is important to preserve, but to which reference is seldom made. The roof should be raised above four feet in the centre, and gutters formed in the cornice with down pipes to carry off the water. The cost will be about as follows:

Brick work in wall and chimneys, - - - - -	\$ 300 00
Tin roof and copper gutters in cornice, - - - - -	600 00
Painting roof, cornice, glass, &c., - - - - -	125 00
Timbers, planks, nails, and carpenters work, - - - - -	600 00
	<hr/>
	\$ 1,625 00

The Register's Office is too small, and the committee are of opinion, that an additional room of brick, 22 feet square, would be of great convenience. To build this room and to cover the same, together with the present Register's Office, and Secretary's Office, with tin, would cost about \$1200.

Should the proposed improvements on the Public Offices meet the approbation of the Legislature, the committee would recommend the appointment of two or more persons to make contracts for the purpose aforesaid; provided, that in making said contracts, they are not to exceed the sum of \$, and no contract to be closed until the same shall be approved by the Governor. In conclusion, the committee would recommend the adoption of the following resolution:

Resolved, That a law ought to pass appropriating the sum of \$, for the purpose of improving and making fire-proof the offices of the Audi-

tor and Treasurer and of enlarging the Register's Office, and making the roof of the same, as well as the roof of the Secretary's Office, fire-proof.

All of which is respectfully submitted,

STILWELL HEADY,

DILLIS DYER,

Committee of the Senate.

HENRY GORE,

SALEM WALLACE,

RICHARD G. JACKSON,

DANIEL B. JOHNSON,

Committee of the House of Representatives.

The said resolution was then twice read and adopted.

The Speaker laid before the House a report from the President of the Board of Internal Improvement, which is as follows, viz :

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT, }
28th January, 1846. }

SIR:

I have the honor, herewith, to submit the report of the Board of Internal Improvement, on the claims of William Rowlett, and of Wesley Dean, Esq., for damages done to their property by the improvements in the Kentucky river, and to be, with profound respect, your obedient servant,

THOMAS METCALFE, P. B. I. I.

HON. JOSEPH R. UNDERWOOD,

Speaker of the House of Representatives.

The claim of William Rowlett, for damages done to his farm at the mouth of Savin creek, by the slackwater of the Kentucky river, has been investigated by the Board; and they have the honor respectfully to submit the following report:

During the past summer, the President and Secretary visited the premises of Mr. Rowlett, for the purpose of investigating the merits of his claim. They have also received the testimony of sundry witnesses, taken in January last, in support of the claim. This testimony is placed on file in this office, for the use and inspection of members or committees. The deponents, six in number, are believed to be credible and respectable. The Board, nevertheless, feel themselves constrained to dissent from the views and opinions of these gentlemen, in regard to the amount of damages to which the claimant is entitled. They fix the amount of damages at from \$1,200 to \$1,500, which, in the opinion of the Board, would be at least a high price, if not more than the value of the whole tract of land, with, or without the advantages or disadvantages resulting from the river improvements.

The tract consists of about 100 acres, about one third of which is tolerable bottom, much the greater portion of which is too elevated to sustain any injury from the overflowing of the slackwater. A small portion of the bottom, however, say from five to seven acres, lies quite low, and was covered with water when the Board visited the premises; and, as the Board supposes, *this low* part of the bottom which is rendered unfit for cultivation by the river improvements, might have been cultivated prior to their construction, at some risk of the destruction of the crops from flood and freshet;

for it appears to be a well ascertained fact, that the floods of this stream often rose higher before, than since the improvements were made, although the fall, and withdrawal of the outspreading waters was then quick and sudden, so as to leave the very low bottoms to be cultivated at some risk, that cannot now be cultivated at all, because of the long continuance of the waters to cover them.

The residue of the tract consists chiefly of abrupt hills and bluffs, with but little timber on them. A slope of one of the hills has been cleared and cultivated—worn out, or nearly so, and abandoned on account of its gullies and loss of soil. The residence is a reasonably snug one, with an orchard, &c. on the elevated bottom. To this description of the tract, it may be added, that water from the river pool, back up Savin creek so as to make it more difficult to cross than formerly, excepting in short periods of high water, as hereinbefore indicated. This back water in Savin, obstructs the crossing of one fork of the road leading to the river, at Mr. Rowlett's, to a much greater extent than formerly; and it appears to be on this ground mainly, that the witnesses alluded to, give the damages mentioned. Mr. Rowlett has a Ware-house and shed, *the profits* of which is necessarily reduced, if not destroyed, by this obstruction of the road, added to the fact that the neighborhood or former customers to the Ware-house, now find it to their interest, independently of that obstruction, to carry their produce for shipment to a convenient point below Lock No. 2, and thereby to save the cost of lockage. From these two causes, Mr. Rowlett has doubtless sustained an injury to the amount of his loss of Ware-house profits. The Board omitted to inquire into the exact amount of losses thus sustained, assuming that it was not the design of the Legislature to make any indemnity in such cases. If this constitutes any claim to indemnity, we have only to carry out the same principle, by making indemnity to owners of Ware-houses, commission merchants, towns and villages, Inn-keepers, &c., whose business or custom has been diverted by this or by other improvements, from former routes or channels.

Another reason urged by the claimant and his witnesses in favor of damages is, that the health of the inhabitants at that point has been seriously and injuriously effected by the slackwater. This may be so for aught the Board knows to the contrary at that particular point. But that the reverse is the fact along the river generally, and that the city of Frankfort has been decidedly more healthy since, than before those improvements were made, the experience of the Board and all others acquainted with the facts of the case, can abundantly testify. But the Board dismiss the plea of increased sickness, and that in regard to the profits of the Ware-house, as not properly appertaining to their duties. They know of no law, or principle of law, authorizing indemnity in such cases, and therefore submit the matter to the consideration of the *law making power*, to be disposed of as they in their wisdom may think proper.

To say nothing about indemnity on account of what may be lost to the Ware-house, nor indemnity on the ground of increased sickness, the Board are constrained to say, that in their opinion, the farm and tract of land, as a whole, is worth at least as much now, if not more, than it would at this time be worth, in the absence of the river improvements.

THOMAS METCALFE, P. B. I. I.

The claim of Wesley Dean, Esq., for damage done his property on Eagle creek, by the slackwater from pool number one, of the Kentucky river, has been investigated by the Board, and they respectfully report thereupon, as follows:

This claim may be arranged under three separate heads. First, for the loss of rock in the bed of Eagle, which the claimant represents to be covered by the back water from the pool, so as to render them inaccessible. Secondly, for injury done to a mill site about or near the same place; and thirdly, for the loss of fish, which heretofore regaled the palates of his customers, and replenished his purse, at the rate of \$250 to \$300 per annum.

The Board do not doubt the statement, that the rock alluded to is rendered much less accessible than formerly, on account of the river improvements; but assuming what they suppose to be undeniable, that there was at that day *no market* for them, they were, of course, of *no value*. On the contrary, knowing that the erection of the river improvements *has created a market* for, and rendered more accessible the residue of Mr. Dean's rock above, believed to be in great abundance, for a few of which he has already received from this Board \$25. The Board think that the advantages resulting to Mr. Dean, on that score, will overbalance the disadvantages and bring the claimant in debt to the State.

The claim for the damages done to the mill site, does not appear, in the opinion of the Board, to be well supported by the testimony. From the inconsiderable fall from the designated site, it is doubted whether any discreet man would ever have built a mill at that point, even in the absence of all the river improvements. However *profitable* the *fish dam* may have been, the mill, it is supposed, would have been of little or no value, and both could not have existed together.

In examining so much of the claim, as is founded upon the destruction of the fish dam, the Board have been led to the belief, that the claimant is not only not entitled to damages for its destruction, but that he has incurred a very heavy penalty for placing or sustaining *such a nuisance* in that stream.

An act approved the 23d February, 1808, imposes a fine of five dollars per month upon any one placing such an obstruction in that part of Eagle, or failing soon thereafter to remove it.

Another act, approved February 10th, 1816, provides that "any person or persons, who shall erect, or cause to be erected, across any river or stream within this Commonwealth, which hath been heretofore, or may hereafter be navigable for boats" (the act first above recited having declared that part of Eagle navigable) "any fish dam, slope, stop, weir, or hedge, or other obstruction to the *passage of fish* and navigation, every and any person convicted thereof, shall forfeit and pay a fine of *five dollars for every 24 hours such obstruction shall remain.*"

In turning to the acts of the Legislature, the Board have not been able to find any repeal of either of the above recited provisions—though there are other acts declaring Eagle to be *navigable* and repealing the *same*. The act above, of 1816, not being repealed, it is obvious that Mr. Dean, and his predecessors in the ownership of the fish dam, have incurred heavy liabilities—say at the rate of \$1,825 per annum since 1816, to say nothing about their liabilities for the eight preceding years. The Board think the claimant might well afford to compromise his untenable claim of \$250 to \$300 per

annum, for the loss of his fish, against the liabilities incurred by the erection or upholding of this awful nuisance in Eagle.

In right good earnest, the Board consider it a matter of entire indifference whether the acts recited have been repealed or not. Nor do they think it material how long Mr. Dean and the preceding proprietors continued to violate those laws; they are referred to for the purpose of showing what has ever been the views and the sense of the Legislature, and of the public, in regard to such nuisances.

In the older times the angler alone received the protection of legislative enactments and the up stream inhabitants, could share in the sport and the other enjoyments, as well as those below. The Board most sincerely think it would be a just and righteous act still further to protect the angler in the Kentucky river, by prohibiting the hauling of seines therein too near to the dams. If this is not done, ere long this noble river will present a melancholy spectacle to the up stream inhabitants. Instead of the red horse, the cat, the perch, and the salmon, to play and gambol in its waters, and nibble at the hook, the frog, is at no distant day, to pollute its current, not solitary and alone in its glory, but with innumerable comrades in its own likeness. All of which is, with great deference and respect, submitted to the superior wisdom and patriotism of the Legislature.

THOMAS METCALFE,

President Board Internal Improvement.

Ordered, That said report be referred to the committee on Claims.

Ordered, That the bill for the benefit of George W. Fox, and others, be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with, it was referred to the committee on Claims.

Mr. L. Combs, from the committee to whom was referred the resolutions proposed by Mr. Murray, on Saturday last, reported the following as a substitute for said resolutions, viz:

WHEREAS, the terms of annexation which were offered by the United States, have been accepted by the Republic of Texas, and the public faith of both parties *thus* solemnly pledged to the compact of their union: And whereas, an act of the Congress of the United States, has been passed, approving the Constitution adopted by Texas, in the formation of a State Government, and admitting her into the Union upon an equal footing with the original States—therefore,

1. *Be it resolved by the General Assembly of the Commonwealth of Kentucky,* That we hail *Texas*, admitted into the Union as a sister State, with a cordial welcome, and pledge ourselves to stand by her in her future career, with all the affection and fidelity becoming our intimate relations.

2. *Resolved,* That the Governor of this State be requested to transmit to each of our Senators and Representatives in Congress, and to the Governor of each of the other States, a copy of the foregoing Preamble and Resolution.

Ordered, That said resolutions and substitute be made the special order for to-morrow at 12 o'clock.

Mr. S. Stone, from the committee on Propositions and Grievances, to whom was referred the bill removing the Seat of Justice of Mason county from Washington, and fixing it at Maysville, reported the same with an amendment, as a substitute for said bill.

The said bill reads as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Seat of Justice for the county of Mason, be, and the same is hereby, established in the city of Maysville, and the edifice erected in said city, called the City Hall, and conveyed by the City Council to the said county of Mason, is hereby established as the Court House, and the place in which the Circuit and County Courts of said county shall be held, after the said first day of March next, on the days now fixed by law.

SEC. 2. That the Clerks of the Circuit and County Courts of said county, shall, on or before the said first day of March next, remove all the books of record, and papers belonging and appertaining to their respective offices, to the said Court House in Maysville, and shall thereafter keep their said offices in such rooms in said building as they may select, or the County Court designate: *Provided*, That the room in the basement of said building, set apart and now used by the Mayor and Council of said city of Maysville, be, and the same is reserved to the use of the said city; and the city authorities of the said city shall have the control of the clock on said building; and all the other parts of the said building shall be under the control of the proper authorities of the said county of Mason.

SEC. 3. That the City Council of Maysville, having agreed to erect in said city, a good and sufficient Jail, for the use of said county, and to furnish a Stray Pen; *Now, be it enacted*, That said Jail and Stray Pen shall be erected by said City Council, on or before the first day of November next; and said City Council, by their President, shall, at the first County Court holden in said city, execute a bond to said County Court, with good security, in the penal sum of five thousand dollars, conditioned for the erection of said Jail and appurtenances, in said time, and the conveyance of the same to said county; and said County Court shall have authority to prosecute a suit upon said bond, in the Mason Circuit Court, upon failure of said City Council to erect said Jail, and convey the same, as aforesaid, and to recover the penalty thereof, and to proceed therewith to cause a sufficient Jail and appurtenances to be erected.

SEC. 4. That the present Jail of Mason county shall be used, and continue as the Jail of said county, until said new Jail shall be finished.

The said amendment, as reported by the committee as a substitute for said bill, reads as follows, viz:

WHEREAS, by an act passed at the last session of the General Assembly, entitled, an act to provide for taking the sense of the people of Mason county relative to the Seat of Justice of said county, in pursuance of which act a vote was taken at the last annual election, as to the propriety of removing the Seat of Justice of said county from Washington to the city of Maysville, by which vote it appears that 1,303 votes were in favor of the removal, which did not constitute a majority of all the legal voters of said county, as appears by the return of the Sheriff of said county: And whereas, since the said election, petitions were circulated to procure those who did not vote

on the subject of removal, and were designated as neuter, and those who were not at the election, as also those who voted for the Seat of Justice to remain at Washington, to petition for the removal of the Seat of Justice to Maysville; which petitions, together with the votes given at the polls for the removal, would constitute a majority of all the voters of said county, agreeably to the Sheriff's report: And whereas, this mode of ascertaining the public sentiment of the county, was not contemplated by the people of said county, nor provided for by the act under which the sense of the people was to be ascertained. It is, therefore, not just that it should be conclusive on the people opposed to said removal, and that it is nothing but fair and just that the subject should again be referred to a vote of the people of said county, to ascertain whether there is such a decided majority of all the voters of said county in favor of the removal of the Seat of Justice to Maysville, as will render the same permanent and satisfactory--therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That it shall be the duty of the Sheriff and several Deputy Sheriffs of Mason county, at the next annual election, to cause a poll to be opened at the Court House, and at the several election precincts in said county, for the purpose of ascertaining the number of qualified voters in said county, who are in favor of removing the Seat of Justice of said county to the city of Maysville; and each voter, when voting for members of the General Assembly, at said election, shall be asked by the Judges of the election, whether he is in favor of removing the Seat of Justice to the city of Maysville; if he answer in the affirmative, his vote shall be placed in the column for removal.

SEC. 2. *Be it further enacted,* That the High Sheriff of said county shall certify to the next Legislature, in alphabetical order, the names of all the voters in favor of removing the county Seat to the city of Maysville, also, the whole number of legal voters in the county, which shall be ascertained by the Commissioners' books for the year 1846, taking the number of white tithes over the age of twenty one years, and deducting from said number, persons not naturalized, whose names shall be listed in said books; and to enable the Sheriff to make such deductions, he shall avail himself of the assistance of the Commissioners of Tax, who shall have taken in such lists for the year 1846, and whose duty it shall be to make accurate returns of the number of aliens not naturalized, and whose names are on the Commissioners' books as tithes, over twenty one years. The Sheriff shall also deduct all those who may have died between the time of taking in the lists of taxable property and the said election; and he shall add to the number of white tithes, as returned by the Commissioners of Tax, all those who may be entitled to a vote at said election, who have removed into the county, or who have arrived at the age of twenty one years since the said Commissioners took in their lists of taxable property.

Mr. Haggard moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the amendment be adopted? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. J. Smith and Haggard, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Gardner,	Pope,
Messrs. Abbett,	Glenn,	Priest,
Alexander,	Gore,	Railey,
Balee,	Haggard,	Riley,
Barlow,	Hathfield,	Rodman,
Begley,	Hay,	Root,
Botts,	Howell,	Shawhan,
Bowling, R. C.	Jackson,	Short,
Brown,	Johnston, A.	Smith, E.
Brooks,	Jones,	Smith, J. Speed
Cessna,	Kelly,	Speed,
Cleaveland,	Lapsley,	Stone, B.
Conner,	Mason,	Stone, S.
Dallam,	Mayes,	Thomas, A. W.
Darnaby,	Maxey,	Thomas, W.
Desha,	Mills,	Thurston,
Dudley,	Miller,	Walker,
Elliott,	Moore,	Wheat,
Evans,	Murray,	Whitlock,
Ford,	Orndorff,	Whitsett,
Gano,	Peters,	Wortham—63.

Those who voted in the negative, were—

Messrs. Barkley,	Glover,	McC Campbell,
Bowling, G.	Harlan,	McKellup,
Breeden,	Hardy,	Orr,
Clack,	Head,	Reid,
Combs, J.	Headley,	Seaton,
Combs, L.	Hughes,	Smith, J.
Cox,	Hunton,	Sparks,
Fallis,	Layne,	Stevenson,
Finnell,	Mayhall,	Waller—27.

Mr. Cox moved an amendment to said bill.

On motion of Mr. J. Speed Smith,

Ordered, That leave of absence, until Monday next, be granted to Mr. Wallace.

And then the House adjourned.

FRIDAY, JANUARY 30, 1846.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled, an act divorcing Mizella Crow from her husband, Samuel H. Crow.

That they had passed a bill from this House, entitled, an act divorcing Thomas Briarly from his wife, Frances Briarly.

That they had passed bills of the following titles, viz:

An act to amend the penal laws of this Commonwealth.

An act to authorize the Clerks of County Courts to administer an oath to witnesses who offer to prove the age of persons applying for marriage license.

An act to amend the act, entitled, an act for the benefit of the Preacher's Aid Society of the Kentucky Conference, approved February 15, 1842.

An act providing for a change of venue in the prosecution against James Lane.

An act to provide for running and marking the dividing line between the counties of Campbell and Pendleton.

An act to allow the Marshal of the town of Bowlinggreen to act as Constable in said town, and within one half mile of the same.

An act to authorize the County Court of Scott county to borrow money to rebuild the county jail.

An act to incorporate the St. John's Church, at Princeton, in Caldwell county.

1. Mr. Brown presented the petition of sundry citizens of Hardin, Meade, Bullitt, and Jefferson counties, praying the establishment of a new county out of parts thereof.

2. Mr. Alexander presented the remonstrance of sundry citizens of Meade county, against the formation of a new county out of part of said county and the counties of Hardin, Bullitt, and Jefferson.

3. Mr. Barksley presented the petition of sundry citizens of Boyle and Lincoln counties, praying an amendment to the charter of the Danville and Houstonsville Turnpike Road Company.

4. Also, the petition of sundry citizens (mechanics,) of the town of Danville and its vicinity, praying the passage of a law giving them liens for work done, materials furnished, &c., in the construction of buildings.

5. Also, the petition of the Trustees of the Deaf and Dumb Asylum, praying an increase in the number of pupils allowed to be received and taught at public expense.

6. Mr. Sparks presented the petition of Thomas Forister, praying the passage of a law releasing him from a judgment of the General Court, against him and others, as securities of William Wright, Sheriff of Harlan county, which he alledges was improperly obtained against him.

7. Mr. J. Combs presented the remonstrance of sundry citizens of Bullitt county, against the formation of a new county out of parts of said county and the counties of Hardin, Jefferson, and Meade.

8. Mr. Jones presented the remonstrance of sundry citizens of Jefferson county, against the same object.

9. Mr. Stevenson presented the petition of the members of the Covington Fire Company, praying an amendment to the charter of said company.

10. Mr. Orr presented the petition of Mary Clements, praying the passage of a law authorizing the Chancellor to decree a sale of certain real estate of her deceased husband, to pay his debts.

11. Mr. Hughes presented the petition of sundry citizens of Union county, in behalf of Thomas Dilbeck, praying a donation of land to him by the State.

12. Mr. Moore presented the petition of sundry citizens of Washington county, praying that the number of Justices of the Peace in said county may be reduced.

13. Mr. Balee presented the petition of sundry citizens of the town of Shelbyville, praying an amendment to the laws regulating said town.

14. Mr. McKellup presented the petition of Socrates Holbrook, praying an amendment to the laws in relation to ferries across the Ohio river.

15. The Speaker laid before the House the proceedings of a meeting of the citizens of the town of Bowlinggreen, recommending the establishment of a Lunatic Asylum in the southern part of the State.

16. Mr. Hunton presented the petition of sundry citizens of the town of Winchester, praying a repeal of the act of 24th February, 1842, prohibiting the retailing of spirituous liquors in said town, in less quantity than one gallon.

17. Mr. Begley presented the petition of sundry citizens of Letcher county, praying that John Hall, who has been convicted of perjury, may be restored to all the privileges enjoyed by other citizens.

Which were received, the reading thereof dispensed with, and referred, (except the 11th, which was laid on the table,) the 1st, 2d, 7th, 8th, and 17th to the committee on Propositions and Grievances; the 3d to the committee on Internal Improvement; the 4th, 6th, 9th, 10th, 12th, 13th, and 14th to the committee on the Judiciary; the 5th to the committee on Education; the 15th to the committee appointed to examine the Lunatic Asylum; and the 16th to the committee on Privileges and Elections.

On motion of Mr. Hardy,

Ordered, That leave of absence be granted to Mr. Fallis for one week.

Mr. Harlan moved the following resolution, viz:

Resolved, That the committee on Military Affairs enquire into the expediency of providing some safe depository for the public arms received from the government of the United States.

Which was adopted.

On motion of Mr. Short, leave was given to bring in a bill to incorporate the Lawrence Coal Mining Company.

Ordered, That Messrs. Short, Peters, and Pope prepare and bring in the same.

Mr. Lapsley, from the committee appointed to prepare and bring in the same, reported a bill to regulate the tolls on the Kentucky river; which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with, it was referred to the committee on Internal Improvement.

The House again resumed the consideration of the bill removing the Seat of Justice of Mason county from Washington, and fixing it at Maysville.

Mr. Cox moved to amend said bill in the second section, by striking out the words, "next Legislature," and inserting in lieu thereof, the word "Governor," and add to the bill the following section, viz:

SEC. 3. And if those who did not attend the polls, petition on either side, the number of petitioners certified by the Sheriff to be legal voters, shall be added to the result of the polls on each side, as they may express an opinion. The Sheriff shall make his report of votes and petitioners by the 1st Monday of October, 1846.

SEC. 4. *And be it further enacted*, That if it shall appear from the returns of voters and petitioners, properly certified by the Sheriff, made to the Governor, as aforesaid, in the second and third sections of this act, that a majority of the legal voters of said county are in favor of removing the Seat of Justice to the city of Maysville, it shall be the duty of the Governor to issue his proclamation, declaring, that in virtue of the provisions of this act, an election had been held, and from the returns made to him by the Sheriff of Mason county, a majority of the legal voters of said county are in favor of the removal of the Seat of Justice to the city of Maysville; and thereupon, the Seat of Justice for said county, shall thenceforth be established in the said city of Maysville.

Mr. Pope moved the following amendment, as a substitute for the bill and amendments, viz:

WHEREAS, under a special act of the last Legislature, a vote was taken at the late August election, to ascertain the sense of the people of Mason county, as to the propriety of removing the Seat of Justice from Washington to Maysville; and whereas, the result of that vote has not been satisfactory, and the citizens of Washington ask of this Legislature an opportunity of testing this question once more by vote—therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That a poll shall be opened by the Sheriff and Deputy Sheriffs of Mason county, on the first Monday of August next, at the Court House and several election precincts of said county, for the purpose of settling the question of removal; and two columns shall be opened, one headed "For Maysville," the other "For Washington," and each voter shall be questioned by the Judges of said election, whether he is for Maysville or Washington, and accordingly as he answers, his vote shall be recorded in the Maysville or the Washington column.

SEC. 2. The election shall continue three days, and the Sheriffs shall meet and compare the polls, on the Friday succeeding the election, and shall report the result of the vote to the County Court, at its next ensuing session; and if it appear that Maysville has received a majority of the votes cast, the County Court shall immediately appoint two Commissioners, first allowing the friends of each town to agree upon and nominate one of said Commissioners, who shall be appointed by the Court, neither of whom shall reside or own real estate in Washington or Maysville; but if either party fail or refuse to nominate, then the Court shall nominate or appoint one. These Commissioners shall agree upon a third, and the three Commissioners shall forthwith publish a notice in the Maysville Eagle, that they will proceed, on the succeeding Monday, to hear all legal evidence which shall be introduced by either party, to purge the polls, and shall continue in session, from time to time, until the Saturday preceding the next County Court, and shall have full power, and are hereby required to strike from said polls all illegal votes on either side. At the close of their investigation, they shall report and certify to the ensuing County Court, the true state of the corrected polls, which statement shall be certified by the presiding Justice and Clerk of said Court, and transmitted, without delay, to the Governor of the Commonwealth.

SEC. 3. If the certified statement of the polls, transmitted to the Governor, shall exhibit the fact that Maysville received, at the election, a majority of the votes actually then cast, it shall be his duty to issue his proclamation removing the Seat of Justice of the county of Mason, from Washington to Maysville, and fixing the day of such removal.

Mr. Mills moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the amendment proposed by Mr. Pope be adopted? and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Miller and Haggard, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Balee,	Glover,	Orr,
Botts,	Headley,	Pope,
Bowling, G.	Hughes,	Reid,
Breeden,	Hunton,	Root,
Cessna,	Johnson, D. B.	Seaton,
Clack,	Jones,	Smith, J.
Clarke,	Layne,	Sparks,

Combs, J.
Combs, L.
Cox,

Mayhall,
McCampbell,
McKellup,

Stevenson,
Waller—29.

Those who voted in the negative, were—

Mr. Speaker.
Messrs. Abbett,
Alexander,
Barkley,
Barlow,
Barnett,
Begley,
Bowling, R. C.
Brown,
Brooks,
Cleaveland,
Conner,
Darnaby,
Desha,
Dudley,
Duncan,
Elliott,
Evans,
Ford,
Gano,

Gardner,
Glenn,
Gore,
Haggard,
Harlan,
Hardy,
Hay,
Head,
Howell,
Jackson,
Johnston, A.
Kelly,
Lapsley,
Mason,
Mayes,
Maxey,
Mills,
Miller,
Moore,

Murray,
Orndorff,
Peters,
Priest,
Railey,
Rodman,
Shawhan,
Short,
Smith, E.
Smith, J. Speed
Speed,
Stone, B.
Stone, S.
Thomas, A. W.
Thurston,
Walker,
Wheat,
Whitsett,
Wortham—58.

The question was then taken on the amendment proposed by Mr. Cox, and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Cox and Haggard, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Balee,
Barkley,
Botts,
Bowling, G.
Breedon,
Cessna,
Clack,
Clarke,
Combs, J.
Combs, L.

Cox,
Glover,
Harlan,
Head,
Headley,
Hughes,
Jackson,
Johnson, D. B.
Layne,
Mayhall,

McKellup,
Orr,
Pope,
Seaton,
Smith, J.
Sparks,
Stevenson,
Thurston,
Waller—29.

Those who voted in the negative, were—

Mr. Speaker,
Messrs. Abbett,
Alexander,
Anthony,
Barlow,
Barnett,
Begley,

Gardner,
Glenn,
Gore,
Haggard,
Hardy,
Hatfield,
Hay,

Murray,
Orndorff,
Peters,
Priest,
Railey,
Reid,
Rodman,

Bowling, R. C.	Howell,	Root,
Brown,	Hunton,	Shawhan,
Brooks,	Johnston, A.	Short,
Cleaveland,	Jones,	Smith, E.
Conner,	Kelly,	Smith, J. Speed,
Darnaby,	Lapsley,	Speed,
Desha,	Mason,	Stone, B.
Dudley,	Mayes,	Stone, S.
Duncan,	Maxey,	Thomas, A. W.
Elliott,	McCampbell,	Walker,
Evans,	Mills,	Wheat,
Ford,	Miller,	Whitsett,
Gano,	Moore,	Wortham—60

Ordered, That said bill, as amended, be engrossed and read a third time.

Mr. Alexander moved that said bill have its third reading now, and it was decided in the affirmative.

The said bill was then read a third time.

Mr. Waller moved to amend said bill, by adding the following engrossed clause, by way of ryder, viz:

That all those legally qualified voters of said county, who shall be certified by three Commissioners, appointed by the County Court at its September or October term, for the purpose, to be legal voters, and which voters may not attend the polls at said election, shall, after the election, have the right of petitioning the next Legislature, either in favor or against said removal, by giving legal notice.

Mr. Clack moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the engrossed ryder proposed by Mr. Waller be adopted? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hughes and Clack, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Abbett,	Gardner,	Orr,
Alexander,	Glover,	Pope,
Balee,	Harlan,	Railey,
Barkley,	Hardy,	Reid,
Barlow,	Head,	Rodman,
Botts,	Headley,	Root,
Bowling, G.	Howell,	Seaton,
Bowling, R. C.	Hughes,	Smith, E.
Breeden,	Hunton,	Smith, J.
Cessna,	Jackson,	Smith, J. Speed
Clack,	Jones,	Sparks,
Clarke,	Mason,	Stevenson,
Cleaveland,	Mayhall,	Stone, S.

Combs, J.
Combs, L.
Cox,
Desha,
Dudley,
Gano,

Maxey,
McCampbell,
McKellup,
Miller,
Moore,

Thomas, A. W.
Thurston,
Walker,
Waller,
Whitlock—55.

Those who voted in the negative, were—

Mr. Speaker,
Messrs. Barnett,
Begley,
Brown,
Brooks,
Conner,
Darnaby,
Duncan,
Elliott,
Evans,
Ford,

Glenn,
Gore,
Haggard,
Hatfield,
Hay,
Johnston, A.
Kelly,
Lapsley,
Mayes,
Mills,
Murray,

Orndorff,
Peters,
Priest,
Shawhan,
Speed,
Stone, B.
Thomas, W.
Wheat,
Whitsett,
Wortham—32.

The question was then taken on the passage of said bill, and decided in the affirmative.

Resolved, That the title thereof be amended to read, "an act to amend an act, entitled, an act to provide for taking the sense of the people of Mason county relative to the Seat of Justice of said county, approved 1st February, 1845."

And then the House adjourned.

SATURDAY, JANUARY 31, 1846.

Mr. James N. Stephens, the member returned to serve in this House from the county of Boone, appeared, produced a certificate of his election, and having taken the oaths required by the Constitution and Laws of this State, took his seat.

A message was received from the Senate, announcing the passage of a bill from this House, entitled, an act to establish the town of Milton, and for other purposes,

And that they had received official information from the Governor, that he had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act to change the name of George W. Sowder to George W. Haley.

An act to regulate the terms of the Christian County Court.

An act for the benefit of the Marine Railways in the town of Paducah.

An act to appoint Commissioners to collect the debts due the Farmer's Bank of Somerset, and pay the same to its creditors.

An act to amend the charter of the Fireman's Insurance Company of Louisville.

An act to amend an act to prevent the burning of the woods in certain counties, and for other purposes, approved February 7, 1840.

An act to authorize the committing of criminals in Scott county, to the jails of the adjoining counties.

An act to amend an act, entitled, an act to reduce into one the several acts regulating the town of Nicholasville, approved February 12, 1836.

An act for the benefit of John Thomas.

An act for the benefit of Joseph A. Radford and Louisa J. Radford,

An act for the benefit of Louisa Ann Coleman, and Charles H. Kenner, and Marcus M. Kenner.

An act providing for a change of venue in the prosecution against Garret Fitzpatrick.

An act to amend the act, entitled, an act to incorporate the Louisville and Bonharbour Coal Company, approved January 28, 1833.

An act for the benefit of the idiots of Perry and Letcher counties.

An act to provide for the erection of a Marine Railway in the town of Hickman, and for other purposes.

An act to allow an additional Justice of the Peace to Lawrence county, and for other purposes.

An act to incorporate the town of Mount Eden, in Spencer county, and for other purposes.

An act to establish an election precinct in Laurel county, at the house of William McHargue, on Big Robertson's creek.

An act to allow an additional Justice of the Peace to Carter county, and for other purposes.

An act to legalize the proceedings of the Trigg County Court, at the November term, 1845.

An act to amend the duelling laws.

An act to change the place of voting in the lower precinct in Spencer county, from the house of Edrington Collins to McGrew's mill house, in Waterford.

An act to establish an additional election precinct in Lawrence county.

Approved January 29, 1846.

1. Mr. Desha presented the remonstrance of N. Ballingal, against changing the boundary line between Nicholas and Harrison counties.

2. Mr. Whitsett presented the petition of Charles Perkins, praying an amendment to the laws in relation to pedlers.

3. Mr. A. Johnston presented the petition of sundry citizens of Callo-way county, praying the establishment of a new Judicial District.

4. Mr. Short presented the petition of Belinda Chany, praying to be divorced from her husband, Jonathan Chany.

5. Mr. Harlan presented the petition of Benjamin F. Cogle, praying the establishment of a ferry across the Kentucky river, at Bates' landing, in Franklin county.

6. Mr. Botts presented the petition of the Trustees of the Salem Academy, near Bardstown, in Nelson county, praying the passage of a law authorizing a sale of the land on which said Academy stands.

7. Mr. Finnell presented the remonstrance of sundry citizens of Nicholas county, against the addition of a part of said county to the county of Harrison.

Which were received, the reading thereof dispensed with, and referred, the 1st, 5th, and 7th to the committee on Propositions and Grievances; the 2d to the committee on Ways and Means; the 3d and 6th to the committee on the Judiciary; and the 4th to the committee on Religion.

Mr. Harlan, from the committee on the Judiciary, reported a bill to authorize the chairmen of standing and select committees, to administer oaths in certain cases; which was read the first time, and ordered so be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. S. Stone, from the committee on Propositions and Grievances, to whom was referred the petition of sundry citizens of Monroe, Barren, and Allen, praying for the formation of a new county, reported the same with the following resolution:

Resolved, That said petition be rejected.

Which was concurred in.

On motion of Mr. Barlow,

Ordered, That he be permitted to withdraw said petition, and it was withdrawn.

Mr. Barkley moved the following resolution, viz:

Resolved, That the committee on Internal Improvement enquire into the expediency of incorporating a company to construct Dam No. 6, on the Kentucky river, and permitting the State to become the owner thereof, at any time it may deem proper, by refunding the amount expended by such company.

Which was adopted.

A message was received from the Senate announcing the passage of a bill from this House, entitled, an act to authorize the Chairman of Standing and Select committees to administer oaths in certain cases.

The Speaker laid before the House the annual report of the Trustees of the Lunatic Asylum, which is as follows, viz:

[For Report--see *Legislative Documents*.]

Ordered, That the Public Printer forthwith print 1,000 copies of said report, 500 of which for the use of the members of this House, and 500 for the use of the Asylum.

On motion of Mr. Mason, leave was given to bring in a bill vesting Circuit Courts with power to change the name of individuals, upon petition filed for that purpose.

Ordered, That the committee on the Judiciary prepare and bring in the same.

Mr. S. Stone, from the committee on Propositions and Grievances, to whom was referred the petition of H. Williamson, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. S. Stone, from the same committee, to whom was referred the petition of sundry citizens of Barren, Cumberland, Adair, and Green, praying for the formation of a new county, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Hardy asked leave to withdraw said petition; which was granted, and the same was withdrawn.

Mr. S. Stone, from the same committee, to whom was referred the petition of sundry citizens of Bath, Montgomery, and Morgan, praying for the formation of a new county, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Dallam, from the committee on Enrollments, reported that the committee had examined sundry enrolled bills and resolutions which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act authorizing Mary L. Burch to erect a fish dam across the Rolling Fork of Salt river.

An act to amend the charter of the Bank of the Commonwealth.

An act divorcing Thomas Briarly from his wife, Frances Briarly.

An act allowing additional Justices of the Peace and Constables to certain counties, and for other purposes.

An act for the benefit of the children of Achilles Moorman.

An act for the benefit of Alexander Strong, of Breathitt county.

An act divorcing Benjamin M. Griffith from his wife, Mary Ann Griffith.

An act to incorporate the town of Mayfield, and for other purposes.

An act for the benefit of John Duerson.

An act to authorize the Chairman of Standing and Select committees to administer oaths in certain cases.

And resolutions in relation to Public Printing.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Dallam inform the Senate thereof.

After a short time, a message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that he had, on this day, approved and signed said bills and resolutions.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Reid—1. A bill for the benefit of the First Presbyterian Church of Shelbyville.

By the committee on Propositions and Grievances—2. A bill to establish an election precinct in Warren county.

By same—3. A bill authorizing the improvement of streets and alleys in the town of Bowlinggreen, and for other purposes.

By same—4. A bill for the benefit of Jesse H. Cotton.

By same—5. A bill to add a part of Henry to Oldham county.

By same—6. An act to repeal an act, entitled, an act to amend an act incorporating the town of Columbia, approved February 27, 1844.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 2d, 3d, 4th, and 6th were severally ordered to be engrossed and read a third time, and the 5th was made the special order of the day for Saturday, the 7th instant.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 3d, 4th, and 6th bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The House then took up the bill to amend an act, entitled, an act to incorporate the Louisville and Portland Railroad Company, approved March 2, 1844.

The said bill was further amended.

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House then took up the resolutions proposed by Mr. Murray on the 24th instant, and the substitute therefor proposed by Mr. L. Combs, from the select committee, on the 29th, as an amendment.

Mr. Wortham proposed to amend the amendment by the following, as a substitute therefor, viz:

WHEREAS, the Republic of Texas has been annexed to these United States, and become one of the States thereof: And whereas, it is not necessary for this House to legislate or take any action in regard to said State of Texas, any more than it is to take a similar action towards another State of this Union—therefore,

Be it resolved, That this House will forbear to express any opinion upon the subject.

Mr. J. Speed Smith moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the amendment proposed by Mr. Wortham be adopted? and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Abbett and Desha, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barkley,	Glover,	Orndorff,
Brooks,	Hay,	Wortham—8.
Dallam,	Kelly,	

Those who voted in the negative, were—

Mr. Speaker,	Gano,	Murray,
Messrs. Abbett,	Gardner,	Orr,
Alexander,	Glenn,	Peters,
Anthony,	Gore,	Pope,
Barlow,	Haggard,	Priest,
Barnett,	Harlan,	Purdum,
Begley,	Hardy,	Railey,
Botts,	Hatfield,	Rodman,
Bowling, G.	Head,	Root,
Bowling, R. C.	Headley,	Seaton,
Brawner,	Howell,	Shawhan,
Breeden,	Hughes,	Short,
Brown,	Hunton,	Smith, E.
Cessna,	Jackson,	Smith, J.
Clack,	Johnson, D. B.	Smith, J. Speed
Clarke,	Johnston, A.	Sparks,

Cleaveland,	Jones,	Speed,
Combs, J.	Lapsley,	Stephens,
Combs, L.	Layne,	Stevenson,
Conner,	Mason,	Stone, B.
Cox,	Mayhall,	Stone, S.
Darnaby,	Mayes,	Thomas, A. W.
Desha,	Maxey,	Walker,
Dudley,	McC Campbell,	Waller,
Elliott,	McKellup,	Wheat,
Evans,	Mills,	Whitlock,
Ford,	Moore,	Whitsett—82.
Finnell,		

The question was then taken on the adoption of the amendment proposed by Mr. L. Combs, from the select committee, as a substitute for the resolutions of Mr. Murray, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Murray and E. Smith, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Gardner,	Peters,
Messrs. Alexander,	Glenn,	Pope,
Anthony,	Glover,	Priest,
Barkley,	Gore,	Purdum,
Barlow,	Haggard,	Railey,
Begley,	Harlan,	Reid,
Botts,	Hardy,	Rodman,
Bowling, G.	Hatfield,	Root,
Bowling, R. C.	Hay,	Seaton,
Brawner.	Head,	Shawhan,
Brown,	Headley,	Short,
Brooks,	Howell,	Smith, E.
Cessna,	Hughes,	Smith, J.
Clack,	Hunton,	Smith, J. Speed
Clarke,	Jackson,	Sparks,
Cleaveland,	Johnston, A.	Speed,
Combs, J.	Jones,	Stephens,
Combs, L.	Lapsley,	Stevenson,
Conner,	Layne,	Stone, B.
Cox,	Mason,	Stone, S.
Dallam,	Mayhall,	Thomas, A. W.
Darnaby,	Mayes,	Thomas, W.
Desha,	Maxey,	Walker,
Dudley,	McC Campbell,	Waller,
Elliott,	McKellup,	Wheat,
Evans,	Mills,	Whitlock,
Ford,	Moore,	Whitsett,
Finnell,	Orndorff,	Wortham—86.
Gano,	Orr,	

Those who voted in the negative, were—

Messrs. Abbett,
Barnett,

Johnson, D. B.

Murray—4.

The question was then taken on the adoption of the resolutions, as amended, and it was decided unanimously in the affirmative, with one dissenting voice.

And then the House adjourned.

MONDAY, FEBRUARY 2, 1846.

A message was received from the Senate, announcing the passage of a bill from this House, entitled, an act to extend the limits of the town of Hopkinsville.

That they had passed bills of the following titles, viz:

An act to authorize the Trustees of Somerset Academy to sell and convey a lot of ground in the town of Somerset.

An act to limit the jurisdiction of the General Court.

An act concerning the town of Glasgow.

An act for the benefit of Catharine H. Willis and her infant children.

An act for the benefit of the widow and heirs of Samuel Howard, deceased.

An act to change the name of Susan Baker.

An act to authorize the Trustees of Cadiz to sell a part of a street in said town.

1. Mr. E. Smith presented the petition of John A. Moore, praying that compensation be made him for lands condemned for the use of Wilderness Turnpike Road.

2. Mr. Dudley presented the petition of sundry citizens of the town of Hickman, praying an amendment to the laws incorporating the said town.

3. Mr. Barkley presented the additional petition of Maria T. Taylor, praying to be divorced from her husband, Ebenezer Taylor.

4. Also, the petition of sundry citizens of Boyle county, praying the passage of a law incorporating a company to construct a Turnpike road from Danville to Springfield.

5. Mr. Barlow presented the petition of George W. S. Randolph, praying that compensation be allowed to Danl. Hastand, for taking care of a pauper.

6. Mr. G. Bowling presented the petition of Rhoda Ames, praying to be divorced from her husband, David S. Ames.

7. Mr. Hatfield presented the petition of sundry citizens of Simpson county, praying the repeal of the law extending the jurisdiction of the Constable in the district including the town of Franklin.

8. Mr. Wheat presented the petition of Charles Yates, praying a change of venue in the prosecution pending against him in the Barren Circuit Court, for larceny.

9. The Speaker laid before the House the petition of Richard D. Neale, praying the passage of a law authorizing the Register of the Land Office to receive and register a copy of a survey, the original of which has been lost.

10. Also, the petition of sundry citizens of Warren county, praying a change in the place of voting at an election precinct in said county.

11. Mr. Brawner presented the petition of Milton E. Wiatt, praying permission to bring into this State, a slave.

Which were received, the reading thereof dispensed with, and referred: the 1st and 4th to the committee on Internal Improvement; the 2d, 8th, 9th, and 11th to the committee on the Judiciary; the 3d and 6th to the committee on Religion; the 5th to the committee on Claims; the 7th to the committee on Propositions and Grievances; and the 10th to the committee on Privileges and Elections.

On the motion of Mr. Barlow, leave of absence, until Wednesday next, was granted to Mr. Peters.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Gardner—1. A bill to change the time of holding the Butler County Court.

On the motion of same—2. A bill to amend an act, entitled, an act to establish a Seminary of learning in Morgantown, and for other purposes.

On the motion of Mr. Dudley—3. A bill for the benefit of Lewis Searce, late Sheriff of Hickman county.

On the motion of same—4. A bill for the benefit of N. E. Wright, late Sheriff of Hickman county.

On the motion of Mr. Conner—6. A bill for the benefit of Sheriffs.

Ordered, That Messrs. Gardner, Wortham, and Barlow prepare and bring in the 1st; Messrs. Gardner, Barlow, and Maxey the 2d; the committee on Ways and Means the 3d and 4th; and Messrs. Conner, Darnaby, and Peters the 5th.

Mr. E. Smith moved the following resolution, viz:

Resolved, That the committee on Ways and Means be required to examine into the propriety of the Clerks of the Circuit Courts making yearly

reports of such idiots as remain in their counties, who have no property and are supported out of the Public Treasury.

Which was adopted.

Mr. Hardy, from the committee on Claims, to whom was referred the petition of Gustavus V. Jones, R. P. Winston, and William Winston, Jr., reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

On motion of Mr. Hughes, leave was given him to withdraw said petition, and it was withdrawn.

Mr. Hardy, from the same committee, to whom was referred the petition of William Angell, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Mr. Cleaveland moved to amend said resolution by striking out the words "be rejected," and inserting "is reasonable."

And the question being taken thereon, it was decided in the negative.

The said resolution was then concurred in.

Mr. Hardy, from the same committee, to whom was referred the petition of Margaret Mitchell, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Mr. Hughes moved to amend said resolution by inserting in lieu thereof the following, viz:

Resolved, That the committee on Claims be instructed to bring in a bill authorizing the County Court of Franklin to levy \$500 for the benefit of Margaret Mitchell, in annual instalments of one hundred dollars.

And the question being taken on adopting the same, it was decided in the affirmative.

The said resolution, as amended, was then concurred in.

Mr. Hardy, from the same committee, reported a bill for the benefit of William Yates, which was read the first time.

And the question being taken on ordering said bill to be read a second time, it was decided in the negative, and so said bill was rejected.

Mr. Hardy, from the same committee, to whom was referred a bill from the Senate, entitled, an act for the benefit of William Price, of Oldham county, reported the same with an amendment, which was disagreed to.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardy, from the same committee, to whom was referred a bill from the Senate, entitled, an act for the benefit of Nathan Board and others, reported the same without amendment.

The hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

The House then took up for consideration the report of the committee on Ways and Means, asking to be discharged from the further consideration of the resolution proposed by Mr. E. Smith, directing the committee on Ways and Means to enquire into the expediency of requiring the Clerks of the Courts of this Commonwealth to pay into the Public Treasury all moneys received by each, annually arising from the fees and perquisites of their respective offices, over and above the sum of \$1,200, and that the same be placed to the credit of the Sinking Fund.

And the question being taken on discharging said committee, it was decided in the affirmative.

Ordered, That said resolution be referred to the committee on the Sinking Fund.

The House then took up the bill to re-model and change the Judicial Districts and equalize the labors of the Circuit Judges.

Ordered, That said bill be engrossed and read a third time.

Mr. Harlan moved that said bill have its third reading now, and it was decided in the affirmative.

The said bill was then read a third time as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the counties of Boone and Kenton shall be added to, and hereafter form part of, the *fourth* Judicial District.

SEC. 2. *Be it further enacted*, That the county of Harrison shall be added to, and hereafter compose part of, the *tenth* Judicial District.

SEC. 3. *Be it further enacted*, That the counties of Campbell and Pendleton shall be added to, and compose part of, the *first* Judicial District.

SEC. 4. *Be it further enacted*, That the counties of Union, Crittenden, Livingston, Caldwell, and Hopkins, shall hereafter compose the *second* Judicial District.

SEC. 5. *Be it further enacted*, That the Circuit Courts of Union shall hereafter be held on the first Monday in April, and the first Monday in September, in each year, and continue eighteen juridical days; that the Circuit Courts of Crittenden shall hereafter commence on the fourth Monday of April, and the fourth Monday of September, in each year, and continue six juridical days; that the Circuit Courts of Livingston shall hereafter be held on the first Monday of May, and the first Monday of October, in each year, and continue eighteen juridical days; that the Circuit Courts of Caldwell shall hereafter be held on the fourth Monday of February, and the fourth Monday of October, in each year, and continue eighteen juridical days; that the Circuit Courts of Hopkins shall hereafter commence on the third Monday of March, and the second Monday of August, in each year, and continue eighteen juridical days.

SEC. 5. *Be it further enacted*, That all process which has issued from the offices of the aforesaid several Courts, in this act mentioned, and made returnable to their respective terms, as now provided by law, shall be effec-

tual, to all intents and purposes, as if made returnable to the respective terms herein prescribed.

SEC. 7. *Be it further enacted*, That the law requiring the Judges of the Circuit Courts to live in their respective Districts, is hereby repealed, so far as it relates to the Judge of the sixteenth Judicial District.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Mayes and Hughes, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Glenn,	Orndorff,
Messrs. Alexander,	Glover,	Pope,
Balee,	Gore,	Railey,
Barkley,	Harlan,	Riley,
Barnett,	Hay,	Seaton,
Botts,	Howell,	Smith, E.
Brawner,	Hughes,	Smith, J.
Breeden,	Jackson,	Sparks,
Brown,	Johnston, A.	Speed,
Cessna,	Jones,	Stephens,
Clack,	Kelly,	Stone, B.
Clarke,	Layne,	Stone, S.
Combs, J.	Mayhall,	Thomas, A. W.
Combs, L.	Maxey,	Walker,
Cox,	McC Campbell,	Wheat,
Darnaby,	McKellup,	Whitlock,
Evans,	Mills,	Whitsett,
Ford,	Moore,	Wortham—55.
Gardner,		

Those who voted in the negative, were—

Messrs. Abbett,	Gano,	Orr,
Barlow,	Hardy,	Priest,
Begley,	Hatfield,	Purdum,
Bowling, G.	Head,	Rodman,
Brooks,	Headley,	Root,
Cleaveland,	Hunton,	Shawhan,
Conner,	Johnson, D. B.	Short,
Dallam,	Lapsley,	Thomas, W.
Desha,	Mayes,	Waller—29.
Dudley,	Murray,	

Resolved, That the title thereof be as aforesaid.

Ordered, That Mr. E. Smith be added to the committee on the Sinking Fund, in the place of Mr. Brasher.

And then the House adjourned.

TUESDAY, FEBRUARY 3, 1846.

A message was received from the Senate, announcing their disagreement to bills from this House, of the following titles, viz:

An act divorcing Jesse Gee from his wife, Elizabeth Gee.

An act divorcing Elizabeth Cox.

That they had passed bills from this House, of the following titles, viz:

An act to incorporate the Barren River Navigation and Manufacturing Company.

An act to provide for filling vacancies in the Directory of Turnpike Road Companies.

That they had passed bills of the following titles, viz:

An act allowing an additional Constable to Marion county.

An act to amend the charter of the town of Keene, in the county of Jessamine.

1. Mr. Howell presented the petition of Rachel Hoskins, praying to be divorced from her husband, Davis Hoskins.

2. The Speaker laid before the House the petition of William Adair, praying to be released from the penalties of the act of 1833, against the importation of slaves into this State, he having imported into this State a certain slave, contrary to said act.

3. Mr. Stevenson presented the petition of sundry citizens of Covington, in Kenton county, praying that an additional Constable be allowed to said county, to reside in said town.

4. Mr. Finnell presented the petition of Josiah Bishop, a Justice of the Peace for Nicholas county, praying that an additional Constable be allowed to said county, to reside in his District.

5. Mr. McKellup presented the petition of Benjamin F. Bedinger and Judith Bedinger, administrator and administratrix of the estate of Henry C. Bedinger, deceased, praying a sale of the real estate of said deceased, to pay his debts.

Which were received, the reading thereof dispensed with, and referred, the 1st to the committee on Religion; and the 2d, 3d, 4th, and 5th to the committee on the Judiciary.

On motion of Mr. Brown,

Resolved, That on to-morrow, and each day thereafter, it shall be the duty of the Speaker, at half past one, P. M., to announce a recess for one hour and a half, and meet again at three o'clock.

The House again resumed the consideration of the bill from the Senate, entitled, an act for the benefit of Nathan Board, and others.

The said bill was then amended.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

On motion of Mr. Dallam,

Ordered, That said bill be laid on the table.

Mr. Hardy, from the committee on Claims, to whom was referred a bill from the Senate, entitled, an act for the benefit of Diana McGuire, reported the same without amendment.

And the question being taken on reading said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Hardy, from the same committee, to whom was referred the petition of John Newby, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Hardy, from the same committee, to whom was referred bills from the Senate of the following titles, viz:

1. An act for the benefit of Philip Lightfoot, Sheriff of Breckinridge county.

2. An act for the benefit of Elijah McWhorter, of Clay county, and William J. Mayo, of Floyd county.

Reported the first without, and the second with an amendment, which was concurred in.

Ordered, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Hardy, from the same committee, to whom was referred the bill for the benefit of George W. Fox, and others, reported the same without amendment.

The said bill reads as follows, viz:

WHEREAS, it is represented to this General Assembly, that a horse belonging to, and used by, George W. Fox, a private in the detachment of militia ordered out by the Governor of Kentucky, in September last, of the value of seventy dollars, died during the expedition: And whereas, it is also represented, that a horse, the property of, and used by Francis Roberts, a private in said service, of the value of forty dollars, was taken sick on the day of his discharge, and died the day thereafter: And whereas, it is also made to appear, that a horse belonging to Robert Million, and a mare, the property of William Moore, were both injured in said service, the first to the amount of twenty five dollars, and the last mentioned to that of twelve dollars and fifty cents--therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Second Auditor be, and he is hereby, required to issue his warrant

on the Treasurer for the following amounts, in favor of the following individuals respectively: To George W. Fox for seventy dollars; to Francis Roberts for forty dollars; to Robert Million for twenty five dollars; and to William Moore for twelve dollars and fifty cents.

Mr. Purdom moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the bill be engrossed and read a third time? and it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. J. Speed Smith and E. Smith, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker.	Haggard,	Riley,
Messrs. Abbett,	Hatfield,	Rodman,
Balee,	Hay,	Smith, J.
Brooks,	Hughes,	Smith, J. Speed
Cleaveland,	Hunton,	Sparks,
Combs, L.	Jackson,	Speed,
Darnaby,	Mayes,	Stone, B.
Desha,	Myers,	Stone, S.
Duncan,	Orr,	Thomas, A. W.
Finnell,	Pope,	Thurston—31.
Glover,		

Those who voted in the negative, were—

Messrs. Alexander,	Fallis,	McCampbell,
Anthony,	Ford,	McKellup,
Barkley,	Gano,	Murray,
Barlow,	Gardner,	Orndorff,
Barnett,	Glenn,	Priest,
Begley,	Gore,	Purdom,
Botts,	Harlan,	Railey,
Bowling, G.	Hardy,	Root,
Brawner,	Head,	Seaton,
Breeden,	Headley,	Shawhan,
Brown,	Howell,	Short,
Cessna,	Johnson, D. B.	Smith, E.
Clack,	Johnston, A.	Stephens,
Clarke,	Jones,	Thomas, W.
Combs, J.	Kelly,	Walker,
Conner,	Lapsley,	Waller,
Cox,	Layne,	Wheat,
Dudley,	Mason,	Whitlock,
Elliott,	Mayhall,	Whitsett,
Evans,	Maxey,	Wortham—60.

Mr. Hardy, from the same committee, to whom was referred the petition of the Jailer of Clay county, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. Hardy, from the same committee, to whom was referred the bill for the benefit of William B. Howard, reported the same with an amendment, which was concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. B. Stone, from the committee on Privileges and Elections, to whom was referred the petition of sundry citizens of Clarke county, praying that the Rucker precinct, in said county, might be abolished, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Which was concurred in.

Mr. B. Stone, from the same committee, to whom was referred the bill to regulate the right of suffrage and to protect the elective franchise, reported the same without amendment.

And the question being taken on engrossing and reading said bill a third time, it was decided in the negative, and so said bill was rejected.

Mr. Harlan, from the committee on the Judiciary, to whom was referred the bill to extend the corporate limits of Newport, reported the same without amendment.

Ordered, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be amended by adding "and for other purposes."

Mr. Harlan, from the same committee, to whom was referred the petition of Elizabeth Kenney; the petition of the Trustees of Salem Academy; the petition of sundry citizens of Calloway county, praying for the formation of a new Judicial District; and the petition of D. W. Wilson, reported the same with the following resolution, viz:

Resolved, That said petitions be rejected.

Which was concurred in.

Mr. Harlan, from the same committee, to whom was referred the bill for the benefit of Preston F. Samuels, reported the same with an amendment, which was concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time. The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. B. Stone, from the committee on Privileges and Elections, asked to be discharged from the further consideration of the leave referred to them to bring in a bill to regulate elections; which was granted.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Claims—1. A bill for the benefit of Joseph B. O'Rear.

By same—2. A bill for the benefit of William P. Blackstone.

By same—3. A bill for the benefit of Edward D. Stockton, of Estill county, and others.

By same—4. A bill for the benefit of Coonrod Havens.

By the committee on Privileges and Elections—5. A bill to change the place of voting at the Lewisport precinct, in Hancock county.

By same—6. A bill to change the place of voting in the county of Harlan, from the house of John Creech to the house of John Lewis, in said county.

By same—7. A bill to change the place of voting in an election precinct in Allen county, and for other purposes.

By the committee on the Judiciary—8. A bill to amend an act to establish the Louisville Bank of Kentucky, and an act to incorporate the Merchants' Louisville Insurance Company.

By same—9. A bill for the benefit of John Rogers' children.

By same—10. A bill for the relief of William Lair, late Sheriff of Russell county.

By same—11. A bill for the relief of the administrator of William A. Pendleton, late Clerk of the Kenton Circuit and County Courts.

By same—12. A bill to legalize certain proceedings of the Bullitt County Court.

By same—13. A bill for the benefit of the Trustees of the town of Carlisle.

By same—14. A bill concerning ferries on the Ohio river.

By same—15. A bill for the benefit of Nancy Easten.

By same—16. A bill to reduce into one the several acts in relation to the town of Danville, and for other purposes.

By same—17. A bill to establish the town of Johnstonville, in Monroe county.

By same—18. A bill providing for a change of venue in the prosecution against Reuben Payne.

By same—19. A bill for the benefit of William P. Mitchell, a lunatic.

By same—20. A bill for the benefit of James Coleman's children.

By same—21. A bill to incorporate the town of Midway, in Woodford county.

By same—22. A bill to amend an act, entitled, an act to incorporate the town of Lancaster.

Which were read the first time, and ordered to be read the second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

And then the House adjourned.

WEDNESDAY, FEBRUARY 4, 1846.

A message was received from the Senate, announcing the passage of a bill from this House, entitled, an act to establish and incorporate the town of Fairview.

That they had passed bills of the following titles, viz:

An act for the benefit of the County Court Clerks of Floyd and Pike counties.

An act for the benefit of James Pittman.

An act for the benefit of the Christian Church in Winchester, Clarke county.

An act for the benefit of Elizabeth Williams.

An act for the benefit of the Methodist Episcopal Church. South, in Hopkinsville.

An act for the benefit of Mary N. Gwynn.

1. Mr. Stevenson presented the remonstrance of sundry citizens of the town of Covington, in Kenton county, against the allowance of an additional Constable to said county, to reside in said town.

2. Mr. Conner presented the petition of Wm. M. Ragland and J. A. Turner, Jr., praying permission to close an alley between their lots, in the town of Owingsville.

3. Mr. Barkley presented the petition of Samuel W. Miller, and the petition of Susan Dollins, praying that the names of their illegitimate children be changed.

4. Mr. Peters presented the petition of William Wallace, praying the passage of a law authorizing the executors and Trustees of the estate of his grand father, to pay him the interest on a legacy devised to him by the will of his grand father.

5. Also, the petition of John W. Carter, praying the passage of a law permitting him to bring into this State, a slave.

6. Mr. Balee presented the petition of Elizabeth Razer, praying the passage of a law directing the administrator of Skelton Keene, to pay to her the proceeds of the estate of said Keene, (who died without heirs,) after paying his debts.

7. Mr. Sparks presented the remonstrance of sundry citizens of Knox and Harlan counties, against the formation of a new county out of parts thereof.

8. Mr. Harlan presented the petition of the officers of the Capital Guards, praying the passage of a law permitting honorary members to join their company.

9. Also, the petition of Samuel Daviess, praying the passage of a law regulating partnership fences.

10. Mr. Finnell presented the petition of Nathan and Andrew Wells, praying the passage of a law providing for working a certain road in Nicholas county.

11. Mr. Jones presented the remonstrance of sundry citizens of Jefferson county, against the formation of a new county out of parts of said county and the counties of Bullitt, Hardin, and Meade.

12. Mr. Layne presented the petition of sundry citizens of Johnson county, praying the passage of a law declaring Rockcastle creek, up to the forks thereof, a navigable stream.

13. Mr. Mayes presented the petition of sundry citizens of Graves county, praying a change in the State road from Canton, in Trigg county, to the town of Hickman, on the Mississippi river.

14. Mr. Pardom presented the petition of sundry citizens of the town of Stanford, praying an extension of the limits thereof.

15. Also, the petition of Orvil Sluder, praying to be divorced from his wife, Phoebe Sluder.

16. Mr. Orr presented the petition of Johnson Frank, praying a change in the State road from New Liberty to Marion.

Which were received, the reading thereof dispensed with, and referred: the 1st, 3d, 4th, 6th, 9th, 10th, 13th, and 14th to the committee on the Judiciary; the 2d, 7th, 11th, and 16th to the committee on Propositions and

Grievances; the 5th to Messrs. Peters, Jackson, and G. Bowling; the 8th to the committee on Military Affairs; the 12th to the committee on Internal Improvement; and the 15th to the committee on Religion.

Mr. Cox moved a reconsideration of the vote disagreeing to a bill from the Senate, entitled, an act for the benefit of Mrs. Diana McGuire.

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Dallam, from the committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act to provide for filling vacancies in the Directory of Turnpike Road Companies.

An act to extend the limits of the town of Hopkinsville.

An act to establish the town of Milton, and for other purposes.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Dallam inform the Senate thereof.

After a short time, a message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that he had, on this day, approved and signed said bills.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Botts—A bill to improve the navigation of Salt river, the Beech and Rolling Fork.

On the motion of Mr. G. Bowling—A bill to improve the downward navigation of the North and Middle Fork of the Kentucky river, and the Licking river.

Ordered, That the committee on Internal Improvement prepare and bring in the same.

Mr. Cox, from the committee on Internal Improvement, to whom was referred the bill to incorporate the Licking and Lexington Railroad Company, reported the same without amendment.

Ordered, That said bill be referred to a committee of the whole House for Monday next, and that the Public Printer forthwith print 150 copies of said bill for the use of the members of the General Assembly.

A message was received from the Senate, announcing the passage of a bill, entitled, an act to establish the University of Louisville.

The said bill was then read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. L. Combs, from the committee on Ways and Means, to whom was referred the bill for the benefit of the Sheriff of Whitley county, reported the same with an amendment; which was concurred in.

Ordered, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Lapsley asked leave to withdraw the petition of William Yates, which was granted, and it was withdrawn.

On motion of Mr. J. Speed Smith,

Ordered, That the committee on the Judiciary report to this House, on Wednesday, the 11th instant, the bill further to protect the rights of married women.

A message was received from the Senate, by Mr. South, asking leave to withdraw their report, announcing their disagreement to a bill from this House, entitled, an act divorcing Elizabeth Cox; which was granted, and the bill was withdrawn.

A message was received from the Senate, by Mr. Draffin, asking leave to withdraw their report, announcing their disagreement to a bill from this House, entitled, an act divorcing Jesse Gee from his wife, Elizabeth Gee; which was granted, and the bill was withdrawn.

The House then took up the bill to amend an act, entitled, an act to amend the militia laws, approved February 9, 1837.

Mr. Barkley moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the bill be engrossed and read a third time? and it was decided in the affirmative.

Mr. Evans moved that said bill have its third reading now, and it was decided in the affirmative.

The said bill was then read a third time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the above recited act as directs company musters to be held in the month of April, and battalion musters in the month of May, shall be, and the same is hereby, repealed, and hereafter there shall be but one muster in each year, to be denominated Regimental muster, and to be held at the time, and under the regulations prescribed by existing laws.

Mr. Evans moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the bill pass? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hardy and S. Stone, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Abbott,	Finnell,	McKellup,
Barkley,	Glover,	Myers,
Barlow,	Gore,	Orr,
Barnett,	Haggard,	Pope,
Botts,	Harlan,	Priest,
Breeden,	Hay,	Purdom,
Brown,	Head,	Root,
Brooks,	Hughes,	Seaton,
Clack,	Jackson,	Short,
Combs, J.	Johnston, A.	Smith, J.
Conner,	Jones,	Stephens,
Cox,	Kelly,	Walker,
Dallam,	Layne,	Wallace,
Dudley,	Mason,	Waller,
Duncan,	Mayhall,	Whitsett,
Evans,	McCampbell,	Wortham—49
Ford,		

Those who voted in the negative, were—

Mr. Speaker,	Glenn,	Railey,
Messrs. Anthony,	Hardy,	Rodman,
Balee,	Hatfield,	Shawhan,
Begley,	Headley,	Smith, E.
Bowling, G.	Howell,	Smith, J. Speed,
Cessna,	Hunton,	Sparks,
Clarke,	Johnson, D. B.	Speed,
Cleaveland,	Lapsley,	Stevenson,
Combs, L.	Mayes,	Stone, S.
Darnaby,	Maxey,	Thomas, A. W.
Desha,	Miller,	Thomas, W.
Elliott,	Moore,	Thurston,
Fallis,	Murray,	Wheat,
Gano,	Orndorff,	Whitlock—44.
Gardner,	Peters,	

Resolved, That the title thereof be as aforesaid.

Mr. Harlan, from the committee on the Judiciary, to whom was referred the bill for the benefit of Thomas Howser, of Monroe county, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

On the motion of Mr. Cox,

Ordered, That leave be granted him to withdraw the petition of Elizabeth Kenney, and it was withdrawn.

On the motion of Mr. Finnell, leave was granted to withdraw the petition of Robert J. Flournoy, presented at the last session, and it was withdrawn.

Mr. Harlan, from the committee on the Judiciary, to whom was referred the petition of John Tompkins, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Mr. Barkley moved to amend said resolution by striking out the words "be rejected," and inserting "is reasonable."

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said committee prepare and bring in a bill in accordance with the prayer of said petition.

Mr. Harlan, from the same committee, to whom was referred the petition of Milton Busby, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Mr. Moore moved to amend said resolution by striking out the words "be rejected," and inserting "is reasonable."

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said committee prepare and bring in a bill in accordance with the prayer of said petition.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Root—1. A bill to amend the road laws of Campbell county.

By the committee on Internal Improvement—2. A bill to revive the Lexington and Ohio Railroad Company.

By same—3. A bill to incorporate the Lexington and Kentucky Railroad Company.

By Mr. Peters—4. A bill to incorporate the Lawrence county Coal Mining Company.

By Mr. Haggard—5. A bill providing for the removal of the Seat of Government from Frankfort to Louisville.

By Mr. Mayhall—6. A bill for the benefit of Richard Smart, a Constable of Hancock county.

By the committee on Ways and Means—7. A bill for the benefit of certain Sheriffs.

By Mr. Wortham—8. A bill to provide for the improvement of the navigation of Nolynn.

By the committee on the Judiciary—9. A bill for the benefit of John P. Dorsey, and others, heirs of Greenberry Dorsey, deceased.

By same—10. A bill for the benefit of the devisees of Sarah Crawford, deceased.

By same—11. A bill for the benefit of the devisees of Carter Tadlock, deceased.

By same—12. A bill for the relief of Jane, Marion, and Samuel Walker, infant heirs of Harvey M. Walker, deceased.

By same—13. A bill for the benefit of Thomas Shannon Head.

By same—14. A bill for the benefit of Mary D. Cassady.

By same—15. A bill for the benefit of Joseph W. Wood.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st was referred to the committee on the Judiciary; the 2d and 3d were referred to the committee of the whole House, and made the special order of the day for Monday the 9th instant; the 4th, 6th, 7th, 9th, 10th, 11th, 12th, 13th, 14th, and 15th were severally ordered to be engrossed and read a third time; the 5th was referred to the committee on Propositions and Grievances; and the 8th to the committee on Internal Improvement.

The rule of the House, constitutional provision and third reading of the 4th, 6th, 7th, 9th, 10th, 11th, 12th, 13th, 14th, and 15th bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Ordered, That the Public Printer forthwith print 150 copies of the 2d and 3d bills for the use of the members of the General Assembly.

Mr. Harlan, from the committee on the Judiciary, to whom was referred bills from the Senate of the following titles, viz:

An act concerning the town of Russellville.

An act for the benefit of Joshua P. Owens, James S. Owens, and Margaret F. Owens, infant heirs of Jeremiah Owens, deceased.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Harlan, from the same committee, to whom was referred a bill from the Senate, entitled, an act requiring certain duties of Justices of the Peace, reported the same without amendment.

On the motion of Mr. E. Smith,

Resolved, That the 47th rule of this House be amended by striking out "two thirds," and inserting "three fourths."

And then the House adjourned.

THURSDAY, FEBRUARY 5, 1846.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled, an act to incorporate the Rodef Scholum, (a people of peace,) of the city of Louisville.

That they had passed bills from this House, of the following titles, viz:

An act divorcing Elizabeth Cox.

An act authorizing the improvement of the streets and alleys in the town of Bowlinggreen, and for other purposes.

An act for the benefit of Jesse H. Cotton.

That they had passed bills of the following titles, viz:

An act for the benefit of James G. Dilly, of Barren county.

An act for the benefit of Elizabeth Ann Long.

An act for the benefit of William F. Colston and Mary E. Colston.

An act to change the name of the town of Landing, in Boone county, to that of Hamilton, and to appoint Trustees for said town.

1. Mr. Jackson presented the petition of William Allen, praying for a divorce from his wife, Elizabeth Allen.

2. Mr. Dudley presented the petition of M. V. and M. A. Tomlinson, praying the passage of a law authorizing a sale of certain real estate belonging to the infant children of said M. A. Tomlinson.

3. Mr. Breeden presented the petition of sundry citizens of the city of Maysville, praying an amendment to the charter of said city.

4. Mr. Thurston presented the petition of J. G. McClure, praying an amendment to the act establishing an election precinct in the county of Bourbon.

5. Mr. Finnell presented the remonstrance of John Rankin, and others, against changing the line between Nicholas and Harrison counties.

Which were received, the reading thereof dispensed with, and referred: the 1st to the committee on Religion; the 2d and 3d to the committee on

the Judiciary; the 4th to the committee on Privileges and Elections; and the 5th to the committee on Propositions and Grievances.

On the motion of Mr. Seaton,

Resolved, That Mr. Lawrence have the use of this Hall, to deliver lectures on Geology, at any time when not otherwise occupied.

On motion of Mr. Brown, leave was given to bring in a bill for the benefit of S. J. Poston.

Ordered, That Messrs. Brown, Kelly, and Brooks prepare and bring in the same.

The House again resumed the consideration of the bill from the Senate, entitled, an act requiring certain duties of Justices of the Peace.

The said bill was then amended.

Mr. Dallam moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the bill, as amended, be read a third time? and it was decided in the affirmative.

Mr. Finnell moved that said bill have its third reading now, and it was decided in the affirmative.

The said bill was then read a third time.

The question was then taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Short and G. Bowling, viz:

Those who voted in the affirmative, were—

Mr. Speaker.	Duncan,	Mayes,
Messrs. Abbett,	Evans,	Miller,
Alexander,	Ford,	Murray,
Balee,	Finnell,	Myers,
Barkley,	Gardner,	Pope,
Barnett,	Glenn,	Priest,
Begley,	Glover,	Railey,
Botts,	Gore,	Riley,
Bowling, R. C.	Harlan,	Seaton,
Browner,	Hay,	Smith, J.
Breeden,	Head,	Smith, J. Speed
Brown,	Howell,	Sparks,
Brooks,	Hughes,	Speed,
Cessna,	Jackson,	Stephens,
Clarke,	Johnson, D. B.	Thomas, A. W.
Cleaveland,	Johnston, A.	Walker,
Combs, J.	Jones,	Waller,
Cox,	Kelly,	Wheat,
Dallam,	Mason,	Whitsett,
Darnaby,	Mayhall,	Wortham—60.

Those who voted in the negative, were—

Messrs. Anthony,	Hardy,	Peters,
Barlow,	Hatfield,	Rodman,
Bowling, G.	Headley,	Shawhan,
Clack,	Hunton,	Short,
Combs, L.	Lapsley,	Smith, E.
Conner,	Layne,	Stevenson,
Desha,	Maxey,	Stone, S.
Dudley,	McC Campbell,	Thomas, W.
Elliott,	McKellup,	Thurston,
Fallis,	Moore,	Wallace,
Gano,	Orndorff,	Whitlock—35.
Haggard,	Orr,	

Resolved, That the title thereof be as aforesaid.

The Speaker laid before the House a communication from the President of the Board of Internal Improvement, which is as follows, viz :

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
5th February, 1846. }

SIR:

The Board of Internal Improvement have had under consideration the claim of C. J. Blackburn, for damages done to his farm, by the running of the Lexington and Ohio Railroad through the same, and have the honor to make the following report.

THOMAS METCALFE, P. B. I. I.

HON. JOSEPH R. UNDERWOOD,
Speaker of the House of Representatives.

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
February, 1846. }

In pursuance of the provisions of an act, entitled, "an act for the benefit of C. J. Blackburn," approved February 7, 1845, two members of the Board visited his farm, on the Lexington and Ohio Railroad, and made special examination of the line of said road, through it; from which examination, they at once formed the opinion that no agreement or compromise with the Doctor, could be effected.

The Board then determined to pursue one of the other alternatives authorized by the act aforesaid, and caused a jury to be summoned to ascertain the amount of damages sustained. The jury met on the ground, on the 17th of January, but failed to agree in a verdict. The Board then determined to embrace the alternative of taking such testimony as might be produced, to ascertain the damages, if any, sustained by the claimant.

On the 23d of January, Charles Alexander, the foreman of the jury, appeared at this office, accompanied by Dr. Blackburn, and stated, on oath, that the land occupied or destroyed by the road, amounted, as he supposed, to from four and half to six acres, but that it had been estimated by Major McKee, at four and a half acres; which he, (Mr. Alexander,) valued at \$50 per acre—that the additional fencing caused by the Railroad, would cost about \$120; and that the damages resulting to the Doctor, over and above the advantages, might be estimated at about \$120 more.

The opinion thus given by Mr. Alexander, as foreman of the jury, was, as he stated, the opinion of *eleven of the jury*—the twelfth juror dissenting from that opinion on the ground that damages had not been sustained to that amount.

The question was then propounded to Mr. Alexander, by the Board, "whether or not, did the eleven jurors take into consideration the fact, that Mrs. Prudence Blackburn, now deceased, had, in her life time, and during her exclusive ownership of the property, given her consent for the location of the road, and had received payment in full from the company, for the privilege granted."

This question was answered in the negative by Mr. Alexander, who stated that that matter had not been submitted to, or considered by the jury—neither did they, according to his admission, take into consideration the comparative cost of transportation from that point to Louisville, at this time, and prior to the construction of those improvements.

Mr. Alexander estimated the farm of Dr. Blackburn to be worth \$50 per acre, and by referring to the Commissioners books in the Auditor's Office, we find the estimated value for the year 1845, to be the same, say \$50 per acre. From 1829 to 1831, inclusive, the same tract of land was valued for taxation at \$20 per acre. For the years 1832 and 1833, the Board found no account of this land on the books of the Auditor. In 1834-5, it was listed at \$30 per acre, and rising from that time and alternating from \$35 to \$40, \$45, and \$50 per acre.

Now, in the opinion of the Board, this increased value of the land is, in a great measure, the result of the improvements in that section of the country; and more especially of the line of improvement, River and Railroad, the last of which is so very objectionable to the claimant. But when we add the other facts, *not taken into consideration by the jury, that the prior owner of the land had, for a reward in damages, yielded her consent to the location of the road*; and the comparative cheapness and facility of transportation now, to what it was formerly, the Board feel more than ever confirmed in their opinion, *that the benefits resulting to the Doctor, greatly exceed the small amount of damages he has sustained.*

But there are yet other grounds of objection to this claim, which the Board, as in duty bound, will present to the Legislature. The fact is admitted, that the full ownership of this land, for the time being, was in Mrs. P. Blackburn, by the will of her deceased husband, and that she released to the Company the right of way, receiving for that release, \$—, a sum fully equal to the then value of the land destroyed by the road, and to the cost of additional fencing, and the loss of a few ancient apple trees, with their old fashioned fruit included.

The question now arises, was not that consent and release, on her part, *valid against succeeding heirs and owners?* It is true that Mrs. Blackburn's ownership, by the will of her deceased husband, extended to the termination of her life only; and that Dr. C. J. Blackburn was, by the same will, to succeed his mother in the ownership.

Now, if Mrs. Blackburn, in her life time, committed any unnecessary waste or destruction of the property, *against the known wishes, or without the knowledge of the Doctor*, the question might be made, *whether she was not accountable to him for it?* But it is evident that in this transaction, she not only committed no such destruction, (for no act on her part could have

added more to the value of the property when left by her,) and that all she did was *well known to the Doctor*.

The above supposed case is much more *favorable to the claimant than the reality*.

In reply to a letter from the President of the Board to Maj. Wm. R. McKee, on this subject, the Major states that he had a conversation, as requested, with Messrs. Winter and Gratz, formerly President and Director of the Railroad Company, who stated "that to the best of their recollection, there was a release by Dr. Blackburn, who was anxious for the road to be made," "that Mrs. Blackburn, the Doctor's mother, released her life interest," that "as the old lady was not disposed to do it, the Doctor was anxious that she should"—that "the Doctor's release was taken in a common copy book, used for that purpose," but that the book had been lost—that Messrs. Winter and Gratz "*do not state positively* that there was a release, but *believe there was*." Now the Doctor admits that he did release to the Company the right of way through two small strips of land owned by him at the time, one of which is on each side of his mother's tract; but he denies that he gave any release to the lands of his mother.

The Board think it probable that the release of the Doctor's to the right way through his own land, may have impressed itself on the minds of Messrs. Winter and Gratz, and hence it is, that "*to the best of their recollection*," he released the right of way through the land then owned by his mother. From the very credible and high character of both the gentlemen named and the Doctor, it is fair to put this construction on the misunderstanding.

Assuming then, that the Doctor did not give his *consent in writing*, except to the strips of land before mentioned, and how does the matter stand?

The Doctor acknowledges that he was extremely anxious for the location of the road; believing that it would add greatly to the benefit and prosperity of the section through which it was to run; and that he exerted an active influence with others, (a well merited influence the Board acknowledges,) to induce them to consent to the location of the road through their lands.

Now the fair, if not the only inference to be drawn from this acknowledgment, in connection with the other facts and circumstances above recited is, that if he did *not give his consent in writing*, for the location of the road through his mother's land, it was because neither himself or the Directory of the road, supposed that *his release*, added to *that of his mother's*, would add a single particle to the strength of their right of way through her land—all believing that the release of the mother was good and valid against future heirs or subsequent owners. Here the Board might leave the question, in the confident belief, that neither the jury, or any one of them would, if all the matters above stated had been presented for their consideration, have brought in a verdict for a single cent.

But the Board beg leave to present the case in another of its legitimate aspects. In looking abroad over the State, they find many counties and sections thereof, entirely destitute of any improvement whatever, by the State. Is it fair, or reasonable, that counties or sections of this character, should be made to *pay in reality*, damages *existing in the imagination of the claimant only*? Is it not enough that the sections thus situated, should have to contribute to the payment of interest upon investments made by the State in those improvements, but that they shall also be made to pay damages of this character? Here is a fine hemp growing farm, situated far in the interior,

the owner acknowledging that it cost him, this year, but 18 cents per hundred to send his hemp to Louisville, about one third of the cost formerly, and yet with this striking advantage, and all the facilities afforded to his traveling and transportation to Lexington, to Frankfort, to the Ohio, up and down, he would ask the suffering sections alluded to, to contribute to his ideal damages, as well as to the payment of interest upon the sums invested in the improvements in his section of country. He would ask to be paid for some five acres of land, the fencing, and a few old apple trees, for which his mother received an ample indemnity years before. How very discouraging the thought to those who enjoy comparatively none of the advantages resulting from our improvements.

The Board would not be understood as asserting the narrow principle that no improvement should be made, unless all parts of the Commonwealth could share alike in its advantages, but would feign steer their bark between the Scylla and Charybdis of the two propositions. While on the one hand, they would have their noble Commonwealth to throw its *Ægis* of protection around each one of its citizens, to ware off absolute wrong or oppression, on the other hand, they frankly acknowledge their disposition to check the increasing disposition of individuals to overrate their claims upon the State, and to underrate the benefits they receive from her. These remarks are intended to have no personal bearing, but feel that it is their duty, upon principle, to expose and hold up to view, the numerous efforts made, in such varied shapes and forms of late, to obtain from the State vast sums, for inconsiderable value, or for no value at all. The present claimant, we all know to be a gentleman of unquestionable integrity and honor, though like the most of our race, he seems, in this particular instance, to *look at one*, and *not at both sides* of the question. The Board feel, that it is not the small amount of this particular claim they are combating—but all such or similar claims now becoming so numerous, as time and testimony for the State recedes from the theatre of the claimants' action.

All of which is submitted to the superior wisdom of the Legislature, by their obedient servant,

THOMAS METCALFE, *P. B. I. I.*

Ordered, That said communication be referred to the committee on Claims.

A bill from the Senate, entitled, an act for the benefit of the County Court Clerks of Floyd and Pike counties, was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with, said bill was referred to the committee on Ways and Means.

Mr. Harlan, from the committee on the Judiciary, to whom was referred the bill for the benefit of Henry Blanton and Robert Snell, and their securities, reported the same with an amendment; which was concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time.

The said bill was then read a third time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Henry Blanton and Robert Snell, executors of the last will and testa-

ment of Carter Blanton, deceased, and their sureties, be, and they are hereby, released and discharged from the payment of a decree rendered against them in the General Court, for the sum of \$977 34 cents, with interest thereon from the 27th day of May, 1841, until paid, in the name of the Commonwealth of Kentucky: *Provided, however,* That this act shall not be construed as releasing said Blanton and Snell, and their sureties, from the payment of any costs and commissions to which the officers of the General Court and Court of Appeals, and agent of the State is entitled: *And provided also,* That said executors pay to the Attorney General, forty dollars, for his services rendered in said case: *And it is further provided,* That this act is not to be construed as a bar to any suit which the heirs of Benedict Costa, (if any he has,) may think proper to institute against said executors and their sureties, or either of them, or against the devisees of said Carter Blanton, deceased, nor, as imposing any obligation on the State of Kentucky to pay any moneys to the heirs of said Costa, or to any other person in consequence of the passage of this act.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Mayes and Wortham, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Balee.	Fallis,	Murray,
Barkley,	Finnell,	Myers,
Begley,	Gano,	Orr,
Botts,	Glenn,	Pope,
Bowling, G.	Gore,	Priest,
Breeden,	Harlan,	Purdom,
Brown,	Headley,	Seaton,
Brooks,	Hughes,	Shawhan,
Cessna,	Jackson,	Smith, E.
Clack,	Johnson, D. B.	Stephens,
Cleaveland,	Johnston, A.	Stevenson,
Combs, L.	Jones,	Thomas, A. W.
Dallam,	Lapsley,	Thomas, W.
Desha,	Layne,	Thurston,
Dudley,	Mason,	Walker,
Evans,	Miller,	Waller—48.

Those who voted in the negative, were—

Mr. Speaker,	Elliott,	McCampbell,
Messrs. Abbett,	Ford,	McKellup,
Alexander,	Gardner,	Moore,
Anthony,	Haggard,	Orndorff,
Barlow,	Hardy,	Railey,
Barnett,	Hatfield,	Rodman,
Bowling, R. C.	Hay,	Smith, J.
Brawner,	Head,	Smith, J. Speed
Clarke,	Howell,	Speed,
Combs, J.	Hunton,	Stone, S.

Conner,
Cox,
Darnaby,
Duncan,

Kelly,
Mayhall,
Mayes,
Maxey,

Wallace,
Wheat,
Whitsett,
Wortham—42.

Resolved, That the title of said bill be amended to read as follows: "an act for the relief of Henry Blanton and Robert Snell, executors of Carter Blanton, deceased."

On motion of Mr. Hughes,

Ordered, That a message be sent to the Senate, to ask leave to withdraw the report of this House, announcing the passage of a bill for the benefit of Richard Smart, a Constable of Hancock county.

In a short time the messenger returned with said bill.

Mr. Hughes then moved a reconsideration of the vote passing said bill.

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said bill be referred to the committee on the Judiciary.

Mr. Waller, from the committee appointed to prepare and bring in the same, reported a bill to amend the law concerning free negroes, and the escape of slaves from this Commonwealth; which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with,

Ordered, That said bill be referred to a committee of the whole House for Thursday, the 12th inst., and that the Public Printer forthwith print 150 copies of said bill for the use of the members of the General Assembly.

The House then, according to order, took up the bill to regulate the appointment and duties of Commissioners of Tax.

Mr. Harlan moved an amendment to said bill as a substitute.

Ordered, That said bill and amendment be referred to the committee on Ways and Means, with instructions to report the same to this House on Tuesday next, and that the Public Printer forthwith print 150 copies of said amendment for the use of the members of the General Assembly.

Mr. Harlan, from the committee on the Judiciary, to whom was referred a bill from the Senate, entitled, an act to amend an act, entitled, an act to amend an act incorporating the Louisville and Mississippi Railroad Company, and to promote the construction of a Railroad between said city and river, reported the same without amendment.

Ordered, That said bill be read a third time.

Mr. Harlan, from the same committee, to whom was referred a bill from the Senate, entitled, an act to amend the penal laws, reported the same without amendment.

Mr. Peters moved to amend said bill by adding thereto the following section, viz:

Be it further enacted, That if any person does now, or shall hereafter, hold any office by virtue of an appointment of any Court, that the person holding an office by virtue of said appointment, shall not be subject to the penalties denounced by this act.

And the question being taken on adopting the same, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Stevenson and Whitlock, were as follows, viz :

Those who voted in the affirmative, were—

Messrs. Abbett,	Gano,	Orr,
Anthony,	Gardner,	Peters,
Barlow,	Glenn,	Priest,
Barnett,	Hardy,	Purdom,
Begley,	Hatfield,	Rodman,
Bowling, G.	Head,	Root,
Brawner,	Headley,	Shawhan,
Clarke,	Howell,	Short,
Cleaveland,	Hunton,	Smith, E.
Conner,	Johnson, D. B.	Stevenson,
Desha,	Johnston, A.	Thomas, A. W.
Dudley,	Lapsley,	Thomas, W.
Elliott,	Miller,	Walker,
Fallis,	Murray,	Whitlock—42.

Those who voted in the negative, were—

Mr. Speaker,	Finnell,	Myers,
Messrs. Alexander,	Glover,	Orndorff,
Balee,	Gore,	Pope,
Barkley,	Haggard,	Railey,
Botts,	Harlan,	Riley,
Bowling, R. C.	Hay,	Seaton,
Breeden,	Hughes,	Smith, J.
Brown,	Jackson,	Smith, J. Speed
Brooks,	Jones,	Sparks,
Clack,	Kelly,	Speed,
Combs, J.	Layne,	Stephens,
Combs, L.	Mason,	Thurston,
Cox,	Mayhall,	Wallace,
Dallam,	Mayes,	Waller,
Darnaby,	Maxey,	Wheat,
Duncan,	McCampbell,	Whitsett,
Evans,	McKellup,	Wortham—52.
Ford,		

Ordered, That said bill be read a third time.

Mr. Cox moved that said bill have its third reading now, and it was decided in the affirmative.

The said bill was then read a third time.

The question was then taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Headley and Haggard, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Finnell,	McKellup,
Messrs. Alexander,	Glenn,	Myers,
Balee,	Glover,	Orndorff,
Barkley,	Gore,	Pope,
Botts,	Haggard,	Railey,
Bowling, R. C.	Harlan,	Riley,
Breeden,	Hay,	Seaton,
Brown,	Howell,	Smith, J.
Brooks,	Hughes,	Smith, J. Speed
Clack,	Jackson,	Sparks,
Combs, J.	Jones,	Speed,
Combs, L.	Kelly,	Stephens,
Cox,	Layne,	Thurston,
Dallam,	Mason,	Wallace.
Darnaby,	Mayhall,	Waller,
Dudley,	Mayes,	Wheat,
Duncan,	Maxey,	Whitsett,
Evans,	McCampbell,	Wortham—55.
Ford,		

Those who voted in the negative, were—

Messrs. Abbett,	Gano,	Peters,
Anthony,	Gardner,	Priest,
Barlow,	Hardy,	Purdom,
Barnett,	Hatfield,	Rodman,
Begley,	Head,	Root,
Bowling, G.	Headley,	Shawhan,
Browner.	Hunton,	Short,
Cessna,	Johnson, D. B.	Smith, E.
Clarke,	Johnston, A.	Stevenson,
Cleaveland,	Lapsley,	Thomas, A. W.
Conner,	Miller,	Thomas, W.
Desha,	Murray,	Walker,
Elliott,	Orr,	Whitlock—40.
Fallis,		

Resolved, That the title thereof be as aforesaid.

And then the House adjourned.

FRIDAY, FEBRUARY 6, 1846.

A message was received from the Senate, announcing the passage of a bill from this House, entitled, an act for the benefit of the First Presbyterian Church of Shelbyville.

And that they had passed bills of the following titles, viz :

An act to amend the act concerning slaves, approved February 5th, 1845, and for other purposes.

An act to divorce Ann Elizabeth Holtzclaw.

1. Mr. Peters presented the petition of sundry citizens of Montgomery county, praying a change in the place of voting in an election precinct in said county.

2. Mr. Howell presented the petition of sundry citizens of Bullitt county, praying the establishment of a new county out of parts of said county and the counties of Hardin, Jefferson and Meade.

3. Mr. R. C. Bowling presented the petition of Edmund R. Sumpter and Elizabeth Sumpter, praying to be divorced from each other.

4. Mr. Gore presented the petition of sundry citizens of Bardstown, praying the passage of a law authorizing the sale of the Seminary and lot in said town.

5. Mr. L. Combs presented the petition of Basil Brawner, praying permission to build a mill dam on Cumberland river.

6. Mr. McKellup presented the petition of T. D. Dickey, praying the repeal of the act authorizing Justices of the Peace to receive money on judgments and executions.

7. Mr. Harlan presented the petition of Robert P. W. Noel, praying to be divorced from his wife, Adella Noel.

Which were received, the reading thereof dispensed with, and referred, the 1st to the committee on Privileges and Elections; the 2d to the committee on Propositions and Grievances; the 3d and 7th to the committee on Religion; the 4th and 6th to the committee on the Judiciary; and the 5th to the committee on Internal Improvement.

Mr. Barkley moved the following resolution, viz :

Resolved, That the committee of Ways and Means be instructed to report a bill, as soon as practicable, to raise the necessary funds to redeem the balance outstanding of the six years six per cent. bonds, issued under the act of 22d February, 1840, amounting at this time to about one hundred and four thousand dollars.

Which was adopted.

Mr. Dallam, from the committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of Jesse H. Cotton.

An act to incorporate the Barren River Navigation and Manufacturing Company.

An act divorcing Elizabeth Cox.

An act to establish and incorporate the town of Fairview.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Dallam inform the Senate thereof.

Mr. Harlan, from the committee on the Judiciary, to whom was referred a bill from the Senate, entitled, an act for the benefit of Napoleon B. Burks and Eliza Jane Burks, his wife, reported the same without amendment.

The question was then taken on reading said bill a third time, it was decided in the negative, and so the said bill was disagreed to.

Mr. Harlan, from the same committee, to whom was referred bills from the Senate, of the following titles, viz:

An act to amend an act, entitled, an act to amend the law regulating appeals from the judgment of Justices of the Peace, approved Dec. 23, 1831.

An act for the benefit of Wm. H. Stephens, and the heirs of Solomon Derosssett, deceased.

An act for the benefit of the heirs of Redmond F. Munday.

An act providing for a change of venue in the prosecution against Henry Green.

An act providing for a change of venue in the prosecution against Robert Simmons, in the Allen Circuit Court.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Harlan, from the same committee, to whom was referred a bill from the Senate, entitled, an act to change the names of Amanda Jane Hinds, and for other purposes, reported the same without amendment.

The said bill was then amended.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Harlan, from the same committee, to whom was referred a bill from the Senate, entitled, an act for the benefit of Albert Allen and Ann E. Allen, his wife, reported the same with an amendment; which was concurred in

Ordered, That the said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Harlan, from the same committee, to whom was referred a bill from the Senate, entitled, an act for the benefit of Lewis Barrett and John Wyatt, reported the same without amendment.

The said bill was then amended.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title be amended to read, "an act for the benefit of Lewis Barrett."

Mr. Harlan, from the committee on the Judiciary, reported the following bills, viz :

1. A bill to legalize the proceedings of the Estill County Court, held in March, 1845.

2. A bill to change the name of Woodson Clay Gordon, to that of Woodson Clay Montgomery.

3. A bill to extend the terms of the Cumberland Circuit Court.

4. A bill to amend an act, entitled, an act authorizing a settlement with John Tilford, approved February 10, 1845.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st and 2d were severally ordered to be engrossed and read a third time, and the 3d and 4th were referred to the committee on the Judiciary.

The rule of the House, constitutional provision and third reading of the 1st and 2d bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The House then, according to order, resolved itself into a committee of the whole, on the bill for the benefit of Common Schools in this Commonwealth, Mr. Stevenson in the Chair; and after some time spent therein, the Speaker resumed the Chair, when Mr. Stevenson reported that the committee had, according to order, had under consideration, the bill aforesaid, and had made some progress therein, but not having time to go through with the same, had instructed him to ask leave to sit again: which was granted.

On the motion of Mr. S. Stone, leave was given to bring in a bill for the benefit of the 17th Common School District in Russell county.

Ordered, That the committee on Education prepare and bring in the same.

1. Mr. Glenn presented the petition of Larkin Harned, praying that the Logan, Todd, and Christian Turnpike Road Company may be compelled to pay him for work and labor done on, and materials furnished for said road.

2. Mr. Stephens presented the petition of sundry citizens of Boone and Kenton counties, praying that the dividing line between said counties may be run and plainly marked.

3. Mr. Conner presented the petition of sundry citizens of Sharpsburg, praying a charter for the Academy.

Which were received, the reading thereof dispensed with, and referred, the 1st to the committee on Internal Improvement; the 2d to the committee on Propositions and Grievances; and the 3d to the committee on Education.

And then the House adjourned.

SATURDAY, FEBRUARY 7, 1846.

A message was received from the Senate, announcing their disagreement to bills from this House, of the following titles, viz:

An act for the benefit of Turner Wilson.

An act for the benefit of Nathaniel Wickliffe.

That they had passed bills of the following titles, viz:

An act for the benefit of the citizens living on the Owingsville and Big Sandy Turnpike Road.

An act to incorporate the Campbell Turnpike Road Company.

1. Mr. Botts presented the petition of John D. Howard, praying that a change of venue be granted him in the prosecution pending against him in the Jefferson Circuit Court, for passing counterfeit money.

2. Mr. Stephens presented the petition of sundry citizens of Boone county, praying that an additional Justice of the Peace and Constable be allowed to said county.

3. Mr. Pardom presented the petition of sundry citizens of Linco'n county, praying a charter for a Turnpike road from Lancaster to Crab Orchard.

4. Mr. Harlan presented the petition of the Trustees of School District No. 19, in Franklin county, praying the passage of a law authorizing them to collect arrearages of tax heretofore levied.

5. Mr. Brooks presented the petition of J. T. McKibben, praying the passage of a law incorporating the Presbyterian Church at Augusta.

6. Mr. Finnell presented the petition of Daniel P. Bedinger, praying the passage of a law authorizing the sale of certain real estate belonging to the estate of Geo. M. Bedinger, deceased.

7. Mr. Alexander presented the petition of Peter A. Edmonson, praying the confirmation of an order of the Meade Circuit Court, changing the State road from the mouth of Salt river to Bowlinggreen.

8. Mr. Pope presented the petition of S. Elliott, praying that the Fourth Baptist Church, of the city of Louisville, be incorporated.

9. Mr. Stevenson presented the petition of sundry citizens of the city of Covington, praying that an additional Constable be allowed to Kenton county.

10. Mr. Pope presented the petition of James Smith, praying an amendment to the act of 1819, so as to give Justices of the Peace the same fees, in cases under twenty five shillings, as in other cases.

11. Mr. J. Speed Smith presented the petition of John Mershon, praying that the amount due him, as Commissioner on the Goose Creek Salt Works road, be paid him.

Which were received, the reading thereof dispensed with, and referred: the 1st, 6th, 9th, and 10th to the committee on the Judiciary; the 2d to the committee on Propositions and Grievances; the 3d and 7th, to the committee on Internal Improvement; the 4th to the committee on Education; the 5th and 8th to the committee on Religion; and the 11th to the committee on Claims.

Mr. L. Combs presented the following memorial, viz:

GENTLEMEN:

The members of the Board of Trade of the city of Wheeling, are so situated that they have full opportunities of learning the main cause that operates to render irregular and to detain the Great Western Mail, causing many obstructions to the Commerce of the West, rendering uncertain all business transactions, political and pleasurable correspondence, that depend upon that vital artery of our Republic. They have found the cause to exist in the difficulty and danger of ferrying the Ohio river, particularly in the winter season, and in high water. They therefore desire to briefly call your attention to a few facts connected with this subject, and ask you to consider them, and if you deem it expedient to memorialize Congress upon the subject, either in your individual, associate, or corporate capacity.

You are aware that the government, in compliance with a compact between it and the Western States, has constructed the National Road from Cumberland westward, passing through the States of Pennsylvania, Virginia, Ohio, Indiana, and a part of Illinois. On this road is carried the Great

Western Mail, bearing the intelligence and business correspondence of the whole States of Ohio, Indiana, Illinois, Missouri, Arkansas, Kentucky, Tennessee, and a part of Michigan, Mississippi, and Louisiana, together with the Territories of Iowa and Wisconsin. The mail matter distributed at this office, yields to the Department one-fourth of its whole revenue. The Mails must, of necessity, arrive here from the East at night, or the Department must be at the onerous expense of running an extra train of cars upon the Baltimore and Ohio Railroad, which would then but partially remedy the evil.

This mail matter is distributed at the office in this city, and is ready to cross the river at about 10 or 11 o'clock, P. M. During the last two months the ice has been constantly running to such an extent (a fact which occurs for several months almost every season,) that it was impossible to cross with the Stages and the ordinary Ferry-boats. This extensive and valuable mail must therefore be trusted to a small skiff, or a flat, which is often for an hour or more buffeted by the waves and the ice, in imminent danger of being lost. The mail is also frequently stopped altogether by the force of the running ice, or flood-wood, and the connection for the whole West lost. Were only the delay of a single day or a single mail the consequence of this failure, it might be borne with patience; but a single failure of the mail to cross here produces a derangement throughout the whole West. The next stage after a failure comes burthened, a portion of the mail is left at different offices, cross mails are not supplied, and confusion for several days reigns supreme, where system and regularity are essential. The Contractors, the Post-masters and the Department are blamed, when no fault rests upon them, and the whole public suffer serious loss and inconvenience.

We learn from the books of the Post-Office in this city, that the mail was detained here in consequence of the ice in 1838, twelve whole days, and the connection lost 28 times. In 1839 it was detained 15 days, and the connection lost 31 times. In 1840 the connection was lost 7 times. In 1841 it was detained 3 days, and the connection lost 12 times. In 1842 the connection was lost 36 times. And in 1844 nineteen times. During the present season, unusual and most persevering efforts have been made by the enterprising proprietor of the Ferry, the Contractors and the Post-master at this office; the Government has been at heavy expense through its Contractors, to the amount of three and five dollars per day extra, paid to the Ferrymen to induce them to risk their lives to secure the passage of the mail at the proper season, but oftentimes without success. During the last two months the connection of the West with the Eastern mails has been lost almost uniformly, and the whole Eastern and Western mails have been thus delayed and deranged. This it would seem to us, is well worthy of your attention; but there are other evils attendant upon the resort to so unequal a means as a ferry in a large and rapid stream. The travelling public and the shippers and consignees of goods, and the Western Merchants, not unfrequently suffer losses and delays by it, which are altogether disproportioned to the cause of delay.

The expense of this improvement can be no bar to its construction. Surveys were made in 1837, by Lieutenants Dutton and Saunders, of the Engineer corps of the United States, and they pronounced it feasible, at moderate expense, to construct a Wire Suspension Bridge at this point, which should be 90 feet above low water—out of reach of steamboats, or obstruc-

tion of the navigation by steamboats at any stage of water, and without piers in the river. Mr. Ellett, Engineer, and Contractor for the Suspension Bridge near Philadelphia, offers to construct the whole for 130,000 dollars, and we have no doubt but contracts may be had for even a lesser sum.

We therefore ask that you will, by resolution or petition, pray your Representatives in Congress and Senators, to vote for an appropriation for the purpose herein set forth.

WM. PAXTON,
J. E. WHARTON,
TH. JOHNSTON, JR.,

Committee on behalf of the Board.

CHAMBER OF THE BOARD OF TRADE, Wheeling, Jan. 28, 1846.

Mr. L. Combs moved the following resolution, viz:

Resolved, unanimously, by the House of Representatives of the Commonwealth of Kentucky, That the Congress of the United States be respectfully requested to make such appropriation, as may be sufficient to erect a wire suspension bridge across the Ohio river, connecting the National Road in Virginia with that in Ohio, so as not to impede navigation, but to facilitate travel and the transportation of the mail.

Resolved, That the Governor be, and he is hereby, requested to transmit a copy of the foregoing resolution, to each of our Senators and Representatives in Congress.

Which was unanimously adopted.

Mr. Dallam, from the committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of the First Presbyterian Church of Shelbyville.

An act authorizing the improvement of the streets and alleys in the town of Bowlinggreen, and for other purposes.

And bills which originated in the Senate, of the following titles, viz:

An act for the benefit of Philip Lightfoot, Sheriff of Breckinridge county.

An act for the benefit of William Price, of Oldham county.

An act to establish the University of Louisville.

An act for the benefit of Mrs. Diana McGuire.

An act concerning the town of Russellville.

An act for the benefit of Joshua P. Owens, James S. Owens, and Margaret F. Owens, infant heirs of Jeremiah Owens, deceased.

An act to amend the penal laws.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Dallam inform the Senate thereof.

Mr. S. Stone, from the committee on Propositions and Grievances, to whom was referred a bill from the Senate, entitled, an act to change the Anderson and Franklin county line, reported the same with an amendment; which was concurred in.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid

Mr. Finnell, from the committee on the Judiciary, to whom was referred the bill to incorporate the Blue Lick Hotel and Water Company, reported the same with an amendment; which was concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Harlan, from the same committee, to whom was referred bills of the following titles, viz:

A bill for the benefit of Elizabeth Wathen.

A bill to limit the elections in Calloway and Marshall counties to one day, Reported the same without amendment.

Ordered, That said bills be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Harlan, from the same committee, to whom was referred a bill to repeal the act establishing Circuit Courts and establishing District Courts, reported the same without amendment,

The said bill reads as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the present Circuit Courts and General Court, are hereby repealed and abolished, so soon as this act takes effect.

SEC. 2. *Be it further enacted*, That District Courts shall be, and they are hereby, established, and shall be held at least twice a year in each county composing the Districts hereafter mentioned.

SEC. 3. *Be it further enacted*, That there shall be a District Judge and Commonwealth's Attorney appointed and commissioned for each of the Districts hereafter named; which said Judge, when so appointed and commissioned, shall constitute a Court for the District in which he is so appointed.

SEC. 4. *Be it further enacted*, That the District Courts, established by this act, shall have jurisdiction in all causes, matters, and things, at common law, and in chancery, within their respective Districts, that the Circuit Courts now have; and the said District Courts shall have all jurisdiction, rights, and powers, and shall be governed by the same rules, regulations, and restrictions by which the Circuit Courts are now governed.

SEC. 5. *Be it further enacted*, That before any District Judge can act as such, he shall swear or affirm, before some Justice of the Peace, that he will

administer justice without respect to persons, and do equal right to the poor and the rich; that he will be impartial in the decision of all motions and questions of law between the parties, and that he will faithfully and impartially discharge the duties of a District Judge, according to the best of his abilities and understanding, agreeably to the constitution and laws; and a certificate of his oath or affirmation shall be recorded in the office of the Circuit Court in the county in which said Judge may first preside.

SEC. 6. *Be it further enacted*, That if a District Judge shall fail to attend on the first day of any term, the Court shall stand adjourned, from day to day, until a District Judge shall attend, provided that should take place before 12 o'clock on the 4th day of said term.

SEC. 7. *Be it further enacted*, That the Sheriffs of the several counties shall summons petit and grand juries to the District Courts in their respective counties, hereafter fixed for holding the same, in the same manner they are now required to summon petit and grand juries to attend the Circuit Courts; which petit and grand jurors shall be selected to attend the District Courts, and they shall receive the same compensation, and in the same manner they now receive compensation for attending the Circuit Courts. And it shall be the duty of the several Sheriffs of this Commonwealth to attend the District Courts of their respective counties, and obey the orders of the said District Courts, as the law requires in case of Circuit Courts.

SEC. 8. *Be it further enacted*, That the Clerks of each Circuit Court, after this act takes effect, shall, on demand, or within ten days thereafter, deliver to the Clerk of the District Court of the county in which each Circuit Court is now held, all the books, records, papers, and other appendages of his office, together with the possession of the room in which said office is now held, provided said room was erected, or is now owned by the county, for the purpose of holding therein the office of the District Court Clerk. And in case of failure or refusal of said Clerk to comply with the requisitions of this act, he may be imprisoned by said Court until he does comply.

SEC. 9. *Be it further enacted*, That the District Courts shall have the same power, authority, and jurisdiction, over all suits, matters, and things, which may be depending and undetermined in any Circuit Court at the time this act takes effect, (the papers and records of which Court may be delivered to the Clerk of such District Court,) which said Circuit Court would have had in case this act had not passed, and said District Court shall have the same right, power, and jurisdiction, to give judgment and award execution, and other legal process in all decrees and judgments of such Circuit Courts, as said Circuit Court would have had in case this act had not passed.

SEC. 10. *Be it further enacted*, That whenever the Clerk of any District Court shall give a certified copy of any decree, judgment, record or proceeding of any Circuit Court, the papers and records of which Court may have been delivered to him pursuant to the directions of this act, the same faith and credit shall be given to such certified copy of any record or proceeding in the District Court to which said Clerk may belong.

SEC. 11. *Be it further enacted*, That the Clerks of any District Court shall perform the duties, and be subject to the same rules, regulations, and penalties that the Clerks of the Circuit Courts now perform and are subject to. And the Clerks of the District Courts shall have the same rate of compensation, fees, and emoluments, that the Clerks of the Circuit Courts are now entitled to for like services; and the Clerks of the District Courts shall have

the same remedy for the collection of their fees the Clerks of the Circuit Courts now have.

SEC. 12. *Be it further enacted*, That all causes now pending in the Court of Appeals, or that may be pending in said Court at the time this act takes effect, remandable to any Circuit Court, shall be transmitted by the Clerk of the Court of Appeals to the District Court of the county in which such Circuit Court would have been held in case this act had not been passed. And such District Court shall have the same power to proceed, as if such cause or proceeding had originated in such District Court.

SEC. 13. *Be it further enacted*, That appeals or writs of error shall lie, and may be prosecuted to the Court of Appeals, from any order, judgment, or decree rendered by any District Court created by this act, in any case where appeals or writs of error are now allowed from the Circuit Courts. And all such appeals or writs of error, shall be subject to the same rules and regulations that now govern appeals and writs of error from the Circuit Courts to the Court of Appeals.

SEC. 14. *Be it further enacted*, That each District Judge may, in addition to the terms allowed by this act to the counties respectively constituting his District, appoint and hold, in any and in every of said counties, one or more additional terms, for the trial of chancery causes, and for the trial of any person or persons apprehended upon a charge of felony or misdemeanor, and for the trial of all Commonwealth's pleas, or any action, or suit, or prosecution, in which the Commonwealth is a party. And all process shall be as valid, returnable thereto, and all recognizances as good as if made returnable to the regular terms of said Court.

SEC. 15. *Be it further enacted*, That the District Judges, appointed by this act, shall be conservatives of the peace, throughout this Commonwealth, and the Judge of one District may, at the request of a Judge of another District, hold any term or terms of the Court, in any county in said District, and all his official acts shall be as binding, and of the same validity, as if done by the Judge appointed for said District.

SEC. 16. *Be it further enacted*, That a General Court shall be held at the State House in the town of Frankfort, by one or more of the District Judges appointed under this act, commencing on the first Monday in February, and first Monday in August, in each and every year, and shall sit as long as the business of said Court shall require it. And the said General Court, hereby established, shall have the same powers, rights, and jurisdiction, which the General Court now has, and shall proceed to hear and determine all causes, matters and things depending in the General Court at the time this act takes effect, according to the rules and regulations by which the General Court has been heretofore governed, and which shall be hereafter established by law.

SEC. 17. *Be it further enacted*, That the Clerk of the General Court shall, after this act takes effect, on demand, or within ten days thereafter, deliver over to the Clerk of the General Court established by this act, all books, papers, records, and other appendages of his office, under the same penalties that is prescribed in this act in relation to the Clerks of the Circuit Courts. And the Clerk of said General Court shall be entitled to the same fees and emoluments, and have the same remedies the Clerk of the General Court now has. And all Clerks appointed by the General Court and District Courts, shall take an oath as now prescribed by law, and execute bond with security,

to be approved by the Court, payable to the Commonwealth, in the sum as now required by law in the General Court and Circuit Courts.

SEC. 18. *Be it further enacted*, That it shall be the duty of the presiding Judge of the Franklin District Court, to attend and hold the General Court. But one or more of the other District Judges, appointed under this act, may, in conjunction with the Judge of the Franklin District Court, or without him, attend and hold the General Court. And the sum of \$ is hereby added to the salary of the Judge of the Franklin District Court, as compensation for holding the General Court.

SEC. 19. *Be it further enacted*, That each of the District Judges, appointed under the provisions of this act, shall be allowed the sum of \$ annually, payable quarterly out of the Treasury of this Commonwealth. And each of the Attorneys for the Commonwealth, appointed under this act, shall be allowed \$ annually, payable in like manner.

SEC. 20. *Be it further enacted*. That all laws providing for the appointment of Commonwealth's Attorneys of the several Circuit Courts, be, and the same are hereby, repealed, so soon as this act takes effect.

SEC. 21. *Be it further enacted*, That the following shall be the Districts provided for in this act:

	Monday.	Month.	Month.	Continue days.
1st DISTRICT—Rockcastle, Pulaski, Wayne, Whitley, Laurel, Clay, Knox, Harlan, Owsley.				
2d DISTRICT—Estill, Breathitt, Perry, Letcher, Pike, Floyd, Morgan, Bath, Carter, Montgomery.				
3d DISTRICT—Greenup, Lewis, Fleming, Nicholas, Bracken, Mason, Lawrence.				

	Monday.	Month.	Month.	Continue days.
4th DISTRICT—Pendleton, Grant, Campbell, Kenton, Boone, Gallatin, Owen, Harrison.				
5th DISTRICT—Bourbon, Clarke, Madison, Jessamine, Woodford, Fayette.				
6th DISTRICT—Franklin, Scott, Anderson, Shelby, Trimble, Carroll.				
7th DISTRICT—Marion, Spencer, Nelson, Bullitt, Hardin, Meade, Washington.				
8th DISTRICT—Garrard, Boyle, Mercer, Adair, Lincoln, Russell, Casey,				
9th DISTRICT—Green, Hart, Clinton, Cumberland, Monroe, Barren, Allen, Warren.				
10th DISTRICT—Breckinridge, Edmonson, Grayson, Hancock, Butler,				

	Monday.	Month.	Month.	Continue days.
Daviess, Muhlenburg, Union, Ohio.				
11th DISTRICT—Hopkins, Logan, Simpson, Todd, Christian, Caldwell, Henderson.				
12th DISTRICT—Livingston, Trigg, Crittenden, Marshall, Fulton, Calloway, Graves, McCracken, Hickman.				
13th DISTRICT—Jefferson, Oldham, Henry.				

SEC. 22. That the Judges appointed under the provisions of this act, shall, in the month of June, address a letter to each Circuit Court Clerk, in the several counties composing their respective Districts, the time he shall designate for holding the term of the Fall District term in each county, and shall likewise cause the said appointments to be published in the Kentucky Yeoman and Frankfort Commonwealth, published in the town of Frankfort; and all process, recognizances, and other judicial process made returnable to the Circuit Courts, shall be as valid, and of the same validity in the District Courts, as if this act had not passed.

SEC. 23. *Be it further enacted*, That this act shall take effect on the first day of June next, and continue in force for the term of seven years.

Mr. Barlow moved to lay said bill on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Glenn and Haggard, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker.
Messrs. Abbett,
Anthony,
Barkley,
Barlow,

Gardner,
Glover,
Gore,
Haggard,
Harlan,

Orr,
Peters,
Pope,
Priest,
Purdom,

Botts,	Hardy,	Railey,
Bowling, R. C.	Hatfield,	Riley,
Brooks,	Hay,	Rodman,
Cessna,	Head,	Root,
Clack,	Headley,	Seaton,
Combs, J.	Howell,	Shawhan,
Combs, L.	Hughes,	Smith, J.
Conner,	Jackson,	Smith, J. Speed
Cox,	Jones,	Speed,
Dallam,	Layne,	Thomas, A. W.
Darnaby,	Mayhall,	Thomas, W.
Desha,	Maxey,	Thurston,
Duncan,	McCampbell,	Walker,
Evans,	Miller,	Wheat,
Ford,	Myers,	Whitsett,
Gano,	Orndorff,	Wortham—63.

Those who voted in the negative, were—

Messrs. Alexander,	Elliott,	Murray,
Balee,	Fallis,	Smith, E.
Begley,	Finnell,	Sparks,
Bowling, G.	Glenn,	Stephens,
Brawner,	Hunton,	Stevenson,
Breeden,	Johnson, D. B.	Stone, B.
Brown,	Johnston, A.	Stone, S.
Clarke,	Mason,	Wallace,
Cleaveland,	Mayes,	Waller,
Dudley,	McKellup,	Whitlock—30.

A message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that he had approved and signed enrolled bills which originated in this House, of the following titles, viz:

An act to incorporate the Barren River Navigation and Manufacturing Company.

An act to establish and incorporate the town of Fairview.

An act for the benefit of Jesse H. Cotton.

An act divorcing Elizabeth Cox.

Approved February 6, 1846.

An act for the benefit of the First Presbyterian Church of Shelbyville.

An act authorizing the improvement of the streets and alleys in the town of Bowlinggreen, and for other purposes.

Approved February 7, 1846.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Balee—A bill to incorporate the Dialectic Society of Shelby College.

By the committee on the Judiciary—A bill allowing an additional Constable to Nicholas county.

By same—A bill for the benefit of Jacob White, Sheriff of Fulton county.

By same—A bill for the benefit of Talitha Easterday.

By same—A bill regulating elections in Hardin, Laurel, and Rockcastle counties.

By same—A bill to amend the charter of the Covington Fire Company.

By same—A bill for the benefit of Samuel Godsey.

By same—A bill for the benefit of William W. Bower and Rachel Nesbit.

Which were read the first time, and ordered to be read the second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the Senate, by Mr. Butler, announcing that they had passed a bill from this House, entitled, an act to amend an act, entitled, an act to incorporate the Louisville and Portland Railroad Company, approved March 2, 1844, with amendments.

The said amendments were taken up, twice read, and concurred in.

Mr. Barlow moved to suspend the rules to take up the resolution from the Senate fixing a day for the final adjournment of the General Assembly.

And the question being taken thereon, it was decided in the negative, the rule requiring a majority of three fourths to suspend.

The yeas and nays being required thereon by Messrs. Barlow and E. Smith, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Anthony,	Glover,	Orr,
Barlow,	Gore,	Peters,
Botts,	Hardy,	Priest,
Bowling, G.	Hatfield,	Railey,
Bowling, R. C.	Hay,	Riley,
Brown,	Head,	Shawhan,
Brooks,	Headley,	Short,
Cleaveland,	Howell,	Smith, J.
Combs, J.	Hughes,	Speed,
Conner,	Johnston, A.	Stephens,
Darnaby,	Jones,	Stone, B.
Desha,	Layne,	Stone, S.
Dudley,	Mayhall,	Thomas, A. W.
Duncan,	Mayes,	Thomas, W.
Elliott,	Maxey,	Thurston,
Evans,	Miller,	Walker,
Fallis,	Moore,	Wheat,
Ford,	Murray,	Whitlock,
Gano,	Myers,	Whitsett,
Gardner,	Orndorff,	Wortham—61.
Glenn,		

Those who voted in the negative, were—

Mr. Speaker,	Cox,	Pope,
Messrs. Abbett,	Dallam,	Purdum,
Alexander,	Finnell,	Rodman,
Balee,	Haggard,	Root,
Barkley,	Harlan,	Seaton,
Begley,	Hunton,	Smith, E.
Brawner,	Jackson,	Smith, J. Speed
Breeden,	Johnson, D. B.	Sparks,
Cessna,	Mason,	Stevenson,
Clack,	McCampbell,	Wallace,
Clarke,	McKellup,	Waller—34.
Combs, L.		

Mr. Harlan, from the committee on the Judiciary, to whom was referred the bill to repeal the law exempting specific property from execution, and reviving the law exempting two hundred and fifty dollars; reported the same without amendment.

And after some discussion had thereon, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

On motion of Mr. Mayes,

Ordered, That the further consideration of the bill for the benefit of Common Schools in this Commonwealth, be postponed until Monday next.

The House then took up for consideration the resolution from the Senate, fixing a day for the final adjournment of the General Assembly.

Mr. Glenn moved to amend said resolution by striking out the words, "10th of February," and insert "25th of February."

A division of the question being called for,

The question was first taken on striking out, and decided in the affirmative.

The question was then taken on filling the blank with the "25th," and decided in the negative.

The yeas and nays being required thereon by Messrs. R. C. Bowling and Barlow, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Fallis,	Root,
Messrs. Abbett,	Finnell,	Seaton,
Alexander,	Glenn,	Smith, E.
Balee,	Haggard,	Smith, J.
Barkley,	Howell,	Smith, J. Speed
Breeden,	Hughes,	Sparks,
Cessna,	Jackson,	Stevenson,
Clack,	Mason,	Thomas, W.
Clarke,	Myers,	Thurston,
Cleaveland,	Purdum,	Wallace,
Cox,	Riley,	Waller,
Dallam,	Rodman,	Whitlock—36.

Those who voted in the negative, were—

Messrs. Anthony,	Gardner,	Moore,
Barlow,	Glover,	Murray,
Barnett,	Gore,	Orndorff,
Botts,	Harlan,	Orr,
Bowling, G.	Hardy,	Peters,
Bowling, R. C.	Hatfield,	Pope,
Brawner,	Hay,	Priest,
Brown,	Head,	Railey,
Brooks,	Headley,	Shawhan,
Combs, J.	Hunton,	Short,
Combs, L.	Johnson, D. B.	Speed,
Conner,	Johnston, A.	Stephens,
Darnaby,	Jones,	Stone, B.
Desha,	Layne,	Stone, S.
Dudley,	Mayhall,	Thomas, A. W.
Duncan,	Mayes,	Walker,
Elliott,	Maxey,	Wheat,
Evans,	McC Campbell,	Whitsett,
Ford,	McKellup,	Wortham—59.
Gano,	Miller,	

Mr. Harlan moved to fill the blank with the "23d," and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Barlow and R. C. Bowling, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Glenn,	Peters,
Messrs. Abbett,	Glover,	Pope,
Alexander,	Gore,	Purdom,
Balee,	Haggard,	Rodman,
Barkley,	Harlan,	Root,
Begley,	Hardy,	Seaton,
Botts,	Howell,	Short,
Bowling, G.	Hunton,	Smith, E.
Brawner,	Jackson,	Smith, J.
Breeden,	Johnson, D. B.	Smith, J. Speed
Cessna,	Johnston, A.	Sparks,
Clack,	Layne,	Stephens,
Clarke,	Mason,	Stone, B.
Cleaveland,	Mayhall,	Thomas, A. W.
Combs, L.	Mayes,	Thomas, W.
Cox,	Maxey,	Thurston,
Dallam,	McC Campbell,	Walker,
Dudley,	McKellup,	Wallace,
Duncan,	Miller,	Waller,
Fallis,	Moore,	Whitlock,
Ford,	Myers,	Wortham—65.
Finnell,	Orr,	

Those who voted in the negative, were—

Messrs. Anthony,	Evans,	Orndorff,
Barlow,	Gano,	Priest,
Barnett,	Gardner,	Railey,
Bowling, R. C.	Hatfield,	Riley,
Brown,	Hay,	Shawhan,
Brooks,	Head,	Speed,
Combs, J.	Headley,	Stevenson,
Conner,	Hughes,	Stone, S.
Darnaby,	Jones,	Wheat,
Desha,	Murray,	Whitsett—31.
Elliott,		

A message was received from the Senate, by Mr. Thomas, announcing that they had passed a bill from this House, entitled, an act incorporating the Covington and Cincinnati Bridge Company, with amendments.

The said amendments were then twice read and concurred in.

The House then took up the bill to add a part of Henry to Oldham county.

The said bill was then amended.

Ordered, That the said bill be re-engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being re-engrossed.

Resolved, That said bill do pass, and that the title thereof be as afore-said.

Mr. Desha, from the committee to whom was referred the memorial of sundry citizens of Carter county, praying for the removal of George W. Kouns, a Justice of the Peace in said county, made the following report, accompanied with a resolution, viz:

The select committee, to whom was referred a memorial of sundry citizens of Carter county, praying the removal of George W. Kouns from his office of Justice of the Peace for Carter county, have carefully investigated the charges contained in said memorial, and report:

The 1st specification, charging him with rape, was withdrawn by the counsel for the prosecution.

The 2d specification, charging said Kouns with having illicit intercourse with Ellen McCormack, she being then in his custody as an apprentice, and against her will, was sustained, in the opinion of the committee, in part by the oath of William Davis, who proved the fact of his having illicit intercourse with said Ellen; but that portion, charging that she was at the time in the custody of said Kouns as an apprentice, and that he had intercourse with said Ellen against her consent, was not sustained; though it was proven by said Davis and others, whose characters as men of veracity were sustained, that at the time, she was an inmate of said Kouns' family, and without a mother living; that portion of Wm. Davis' testimony was supported by that of James Lampton, in so far, as that Kouns admitted to him the fact of said illicit intercourse with said Ellen.

The 3d specification, charges that said Kouns, as a Justice of the Peace certified as true, full and complete, a transcript of a record from his office,

when in fact it was false. It was in proof, that the only substantial difference between the copy and the original, was in this, that in the copy, which was that of an execution, he omitted to insert the costs, amounting to 12½ cents, and the day of return. Inasmuch as no person sustained any material injury, if any, the committee are of opinion it does not amount to malfeasance in office.

The 4th specification, charges said Kouns with having received a fee of \$5 corruptly, in a case decided by himself as Justice of the Peace. Said specification, we consider, is unsustained by the evidence.

The 5th specification, charging him with receiving the money on an attachment issued by himself, and failing or refusing to pay the same over when demanded, is sustained, in the opinion of the committee.

The 6th specification, is that "the general character of said Kouns, is so infamous as to bring the said office of Justice of the Peace into reproach and disrepute with the honorable part of the community." It appears, that up to the time of his being charged with the illicit intercourse with said Ellen, said Kouns sustained a good character. Previous to which time, the only thing charged to him was his peculiar religious notions and opinions, which your committee think he had a constitutional right to enjoy.

The 7th, and last specification, is as follows: "Said George W. Kouns is an infidel, and by his blasphemous course in reference to the christian religion, brings disgrace upon his office of Justice of the Peace, and more particularly did he do so, when asked as a witness if he believed in a future state of rewards and punishments, he responded he did not, and no body but a fool did. As regards the first part of the specification, the committee are of opinion it was not fully sustained by the evidence. In relation to the latter and more specific portion, the facts proven are these: that in a case in which he had been sworn, the question was asked him by a lawyer, if he believed in a future state of rewards and punishments—he appealed to the Court if he was bound to answer; the Court replied he was not; after which he turned to the lawyer and said, "for your satisfaction I answer, I do not, and nobody but a fool does." It was in proof before the committee, that the said Kouns holds to the doctrine of a sect of Christians called Universalists, who contend that man is rewarded and punished in this life for his deeds, and that it was in this view of the case that said Kouns made the declaration, and as your committee think, wished to be understood.

The foregoing is a correct detail of the facts as presented themselves to the committee;—therefore the adoption of the following address to the Governor, is recommended.

To his Excellency, William Owsley, Governor of Kentucky.

The General Assembly of the Commonwealth of Kentucky, (two thirds of both Houses concurring in this address,) would respectfully state and charge, that George W. Kouns, a Justice of the Peace in and for Carter county, then in commission, was, on or about the 1st of May, 1841, in said county of Carter, guilty of illicit intercourse with one Ellen McCormack, of the age of 14 or 15 years, then and at that time an inmate of the family of said Kouns, and having no mother living, she being claimed by him as his bound girl or apprentice, thereby offending against morality and decency, and the peace and dignity of the Commonwealth; and that the said George W. Kouns issued an attachment, received the money thereon, and failed and

refused to pay the same over when properly demanded, thereby offending against the dignity of the Commonwealth—wherefore,

Resolved, That the said George W. Kouns be removed from his office of Justice of the Peace by the Governor of this Commonwealth.

The question was then taken on the adoption of said report, address, and resolution, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Cox and Miller, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker,	Gardner,	Myers,
Messrs. Abbett,	Glenn,	Orndorff,
Alexander,	Glover,	Orr,
Anthony,	Gore,	Peters,
Balee,	Haggard,	Pope,
Barkley,	Harlan,	Priest,
Barlow,	Hardy,	Purdom,
Botts,	Hatfield,	Railey,
Bowling, R. C.	Hay,	Riley,
Breeden,	Head,	Rodman,
Brown,	Headley,	Shawhan,
Brooks,	Howell,	Smith, J.
Clack,	Hughes,	Smith, J. Speed
Clarke,	Hunton,	Sparks,
Cleaveland,	Jackson,	Speed,
Combs, J.	Jones,	Stephens,
Cox,	Layne,	Stevenson,
Dallam,	Mason,	Stone, B.
Desha,	Mayhall,	Stone, S.
Dudley,	Mayes,	Thomas, A. W.
Duncan,	Maxey,	Thurston,
Evans,	McCampbell,	Wallace,
Fallis,	McKellup,	Wheat,
Ford,	Miller,	Whitlock,
Finnell,	Moore,	Whitsett,
Gano,	Murray,	Wortham—78.

Those who voted in the negative, were—

Messrs. Begley,	Conner,	Short,
Bowling, G.	Johnston, A.	Smith, E.—8.
Brawner,	Seaton,	

And then the House adjourned.

MONDAY, FEBRUARY 9, 1846.

A message was received from the Senate, announcing their concurrence in the amendments proposed by this House, to bills from the Senate, of the following titles, viz:

An act for the benefit of Albert Allen and Ann E. Allen, his wife.

An act requiring certain duties of Justices of the Peace.

An act for the benefit of Elijah McWhorter, of Clay county, and William J. Mayo, of Floyd county.

An act to change the names of Amanda Hinds, and others, and for other purposes.

An act for the benefit of Lewis Barrett.

And had received official information from the Governor, announcing that he had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act for the benefit of Joshua P. Owens, James S. Owens, and Margaret F. Owens, infant heirs of Jeremiah Owens, deceased.

An act to amend the penal laws.

An act concerning the town of Russellville.

An act for the benefit of Mrs. Diana McGuire.

An act to establish the University of Louisville.

Approved February 7, 1846.

1. Mr. Conner presented the petition of sundry citizens of the town of Owingsville, praying the passage of a law appointing Trustees to the Seminary in said town.

2. Mr. Miller presented the petition of sundry citizens of Jefferson county, praying that Wm. Hart be permitted to act as a pedler without paying for a license so to do.

3. Mr. Dudley presented the petition of Wm. K. Wilson, praying that the amount of a fine paid by him, after it had been remitted by the Governor, be refunded to him.

4. Mr. Pope presented the petition of Michael Dagnam, praying that the name of his infant daughter, Catharine Dagnam, be changed to that of Catharine Ellen Barlow.

5. Also, the petition of Philip R. Gray, praying an amendment to the laws in relation to the inspection of salt.

6. Mr. Brown presented the memorial of sundry citizens of Hardin county, praying the establishment of a new county out of parts of said county and the counties of Meade, Jefferson, and Bullitt.

7. Mr. Conner presented the petition of sundry citizens of Bath county, praying a change in the place of voting in the Morgan precinct in said county.

8. Mr. Orr presented the petition of Ben. Haydon, praying compensation for arresting a fugitive from Justice, and conveying him from the county of Owen to the county of Simpson.

9. Mr. Purdom presented the petition of Clarissa Coomer, praying to be divorced from her husband, Andrew Coomer.

Which were received, the reading dispensed with, and referred, the 1st to the committee on Education; the 2d to the committee on Ways and Means; the 3d and 8th to the committee on Claims; the 4th to the committee on the Judiciary; the 5th to the committee on Agriculture and Manufactures; the 6th to the committee on Propositions and Grievances; the 7th to the committee on Privileges and Elections; and the 9th to the committee on Religion.

On motion of Mr. Harlan,

Resolved, That the House will hereafter meet at half past 9 o'clock A. M.

Mr. Stephens asked leave to bring in a bill to amend the road law in Boone county.

Ordered, That the committee on Internal Improvement prepare and bring in the same.

On motion of Mr. Clarke,

Ordered, That leave of absence, until Friday next, be granted to Mr. Root.

The House resumed the consideration of the bill to repeal the law exempting specific property from execution, and reviving the law exempting two hundred and fifty dollars.

Mr. Dallam moved to amend said bill by adding the following as a substitute therefor, viz:

That from and after the passage of this act, there shall be exempted from execution or distress, to each bona fide house keeper, with a family, in addition to the articles now exempted by law, one work beast and one woman's saddle: *Provided*, That this act shall not be construed to operate in any way, upon contracts entered into before its passage.

Mr. Brown moved to amend the amendment by adding the following, viz:

That any bona fide house keeper, with a family, who shall choose to give up said additional work beast, shall be allowed to select to the amount of fifty dollars, in such property as said house keeper may have, free from execution, fee bill, or attachment for debt; or any bona fide house keeper, with a family, who shall not have said additional work beast, shall have the same right of selecting fifty dollars worth of property, which shall be allowed in place of the work beast.

That all the school books procured by any bona fide house keeper, shall hereafter be exempted from sale by attachment, execution, or distress: *Pro-*

vided, That the provisions of this act shall not extend to any person or persons keeping books for sale or traffic.

Mr. S. Stone moved to lay said bill and amendments on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Desha and D. B. Johnson, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barkley,	Glover,	Murray,
Barlow,	Gore,	Riley,
Barnett,	Haggard,	Seaton,
Begley,	Hatfield,	Short,
Bowling, G.	Hay,	Smith, E.
Brawner,	Head,	Sparks,
Brooks,	Headley,	Speed,
Clack,	Johnston, A.	Stone, S.
Cleaveland,	Jones,	Wallace.
Dudley,	Layne,	Wheat,
Evans,	Mason,	Whitsett,
Fallis,	Maxey,	Wortham—38.
Gardner,	McCampbell,	

Those who voted in the negative, were—

Mr. Speaker,	Glenn,	Peters,
Messrs. Abbett,	Harlan,	Pope,
Alexander,	Hardy,	Priest,
Botts,	Howell,	Railey,
Bowling, R. C.	Hughes,	Rodman,
Brown,	Hunton,	Shawhan,
Cessna,	Jackson,	Smith, J.
Clarke,	Johnson, D. B.	Smith, J. Speed
Combs, L.	Kelly,	Stephens,
Conner,	Mayhall,	Stevenson,
Cox,	Mayes,	Stone, B.
Dallam,	McKellup,	Thomas, A. W.
Desha,	Miller,	Thomas, W.
Duncan,	Moore,	Thurston,
Ford,	Myers,	Waller,
Finnell,	Orndorff,	Whitlock—50.
Gano,	Orr,	

Mr. Dallam accepted the amendment proposed by Mr. Brown, and being further modified, reads as follows, viz:

That from and after the passage of this act, there shall be exempted from execution or distress, to each bona fide house keeper, with a family, in addition to the articles now exempted by law, one work beast and one woman's saddle.

That any bona fide house keeper, with a family, who shall choose to give up said additional work beast, shall be allowed to select to the amount of fifty dollars, in such property as said house keeper may have, free from exe-

cution, fee bill, or attachment for debt; or any bona fide house keeper, with a family, who shall not have said additional work beast, shall have the same right of selecting fifty dollars worth of property, which shall be allowed in place of the work beast.

That all the school books procured by any bona fide house keeper, shall hereafter be exempted from sale by attachment, execution, or distress: *Provided*, That the provisions of this act shall not extend to any person or persons keeping books for sale or traffic: *Provided*, That this act shall not be construed to operate, in any way, upon contracts entered into before its passage: *Provided further*, That in no case shall the property exempt from execution exceed the sum of two hundred and fifty dollars.

The question was then taken on the adoption of the amendment proposed by Mr. Dallam, as modified, as a substitute for the bill, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Brown and Headley, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker.	Finnell,	Miller,
Messrs. Alexander,	Gardner,	Murray,
Balee,	Glenn,	Myers,
Barnett,	Glover,	Orr,
Botts,	Gore,	Pope,
Bowling, G.	Hardy,	Rodman,
Brown,	Hatfield,	Short,
Cessna,	Howell,	Smith, J.
Combs, L.	Hunton,	Smith, J. Speed
Conner,	Jackson,	Stone, B.
Cox,	Johnson, D. B.	Thomas, A. W.
Dallam,	Jones,	Thomas, W.
Dudley,	Kelly,	Wallace,
Duncan,	Layne,	Waller,
Evans,	Maxey,	Whitlock,
Fallis,	McC Campbell,	Whitsett,
Ford,	McKellup,	Wortham—51.

Those who voted in the negative, were—

Messrs. Abbett,	Haggard,	Priest,
Barkley,	Harlan,	Railey,
Barlow,	Hay,	Riley,
Begley,	Head,	Seaton,
Bowling, R. C.	Headley,	Shawhan,
Browner,	Hughes,	Sparks,
Brooks,	Johnston, A.	Speed,
Clack,	Mason,	Stephens,
Clarke,	Mayhall,	Stevenson,
Cleaveland,	Mayes,	Stone, S.
Combs, J.	Moore,	Thurston,
Desha,	Orndorff,	Wheat—38.
Gano,	Peters,	

The question was then taken on engrossing and reading said bill a third time, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wortham and Evans, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Howell,	Pope,
Barnett,	Hughes,	Priest,
Brown,	Hunton,	Purdom,
Combs. L.	Jackson,	Rodman,
Conner,	Johnson, D. B.	Shawhan,
Cox,	Jones,	Smith, J.
Dallam,	Kelly,	Smith, J. Speed
Desha,	Mayhall,	Stephens,
Duncan,	Maxey,	Stevenson,
Fallis,	McKellup,	Stone, B.
Ford,	Miller,	Thomas, A. W.
Finnell,	Moore,	Thomas, W.
Glenn,	Myers,	Waller,
Glover,	Orndorff,	Whitlock,
Harlan,	Orr,	Whitsett—46.
Hardy,		

Those who voted in the negative, were—

Mr. Speaker,	Combs, J.	McCampbell,
Messrs. Abbett,	Dudley,	Murray,
Barkley,	Evans,	Peters,
Barlow,	Gano,	Railey,
Begley,	Gardner,	Riley,
Botts,	Gore,	Seaton,
Bowling, G.	Haggard,	Short,
Bowling, R. C.	Hatfield,	Smith, E.
Brawner,	Hay,	Sparks,
Breeden,	Head,	Speed,
Brooks,	Headley,	Stone, S.
Cessna,	Johnston, A.	Thurston,
Clack,	Layne,	Wallace,
Clarke,	Mason,	Wheat,
Cleaveland,	Mayes,	Wortham—45.

Mr. Dallam moved that said bill have its third reading now, and it was decided in the affirmative.

The said bill was then read a third time.

The hour of 12 o'clock having arrived, the House proceeded to the orders of the day.

Mr. Cox laid on the table an amendment which he intended to propose as a substitute for the bill for the benefit of Common Schools in this Commonwealth.

Ordered, That the Public Printer forthwith print 150 copies of said amendment, for the use of the members of the General Assembly.

The House then resolved itself into a committee of the whole, Mr. Desha in the Chair; on the bill to revive the Lexington and Ohio Railroad Company, and after some time spent therein, the Speaker resumed the Chair, when Mr. Desha reported that the committee had, according to order, had under consideration, the bill aforesaid, and had made some progress therein, but not having time to go through with the same, had instructed him to ask leave to sit again: which was granted.

Mr. Cox, from the committee on Internal Improvement, to whom was referred the bill to incorporate the Licking River Navigation Company, reported the same with amendments; which were concurred in.

Ordered, That said bill be referred to a committee of the whole House for Thursday next, and that the Public Printer forthwith print 150 copies of said bill for the use of the members of the General Assembly.

And then the House adjourned.

TUESDAY, FEBRUARY 10, 1846.

A message was received from the Senate, announcing the passage of bills from this House, of the following titles, viz:

An act for the benefit of the Common Schools in Graves county, and for other purposes.

An act to incorporate the Maysville College, and for other purposes.

An act for the benefit of the 71st Regiment of Kentucky militia.

An act for the benefit of Jonathan Newcum.

An act for the benefit of Edward D. Stockton, of Estill county, and others.

An act for the benefit of the administrator of William A. Pendleton, late Clerk of the Kenton Circuit and County Courts.

An act for the benefit of the Fayette Rifle Company.

With amendments to the last named bill.

That they had adopted a resolution for a joint committee to examine certain Claims.

That they had passed bills of the following titles, viz:

An act allowing Martin Fugate, late Sheriff of Pendleton county, further time to return his delinquent list of muster fines, and for other purposes.

An act for the benefit of William Ramsey, Elisha Gardner, and John B. Cobb.

An act providing for the support of an additional number of pupils in the Deaf and Dumb Asylum at Danville.

An act for the benefit of the Sheriff of Laurel county.

An act for the benefit of the Sheriff of Shelby county.

An act to incorporate the Galliopean Institute of Murray.

An act for the benefit of the School Commissioners of Carroll county.

1. Mr. McKellup presented the petition of Thomas A. Duke, praying an amendment to the laws in relation to the payment of county claims.

2. Mr. Desha presented the petition of B. N. Carter, praying the passage of a law allowing the Trustees of Common Schools in Harrison county, the amount of the Common School Fund to which they are entitled.

3. Mr. Harlan presented the petition of Turner C. Tutt, praying that a license be granted him to act as a pedler, without paying therefor.

4. Mr. Moore presented the petition of sundry citizens of Washington county, praying a change in the place of voting in an election precinct in said county.

5. Also, the petition of G. C. Alfred, praying a change of the law in relation to proceedings before Justices of the Peace.

6. Mr. B. Stone presented the petition of sundry citizens of Estill county, praying an amendment to the laws relating to pedlers.

7. Mr. Whitsett presented the petition of sundry citizens of Barren county, praying the establishment of a Lunatic Asylum South of Green river.

Which were received, the reading thereof dispensed with, (except the 6th, which was read,) and referred, the 1st, 5th, and 6th to the committee on the Judiciary; the 2d to the committee on Education; the 3d to the committee on Ways and Means; the 4th to the committee on Privileges and Elections; and the 7th to the select committee appointed to examine the Lunatic Asylum.

Mr. Dallam asked leave to withdraw the papers of Rufus King, and they were withdrawn.

On motion of Mr. Peters,

Resolved, That next Saturday be set apart for the purpose of receiving reports from select committees.

On motion of Mr. Barlow, the House again resumed the consideration of the resolution fixing a day for the adjournment of the General Assembly.

The said resolution was further amended.

Resolved, That this House concur in said resolution, as amended.

Leave was given to bring in the following bills, viz:

On the motion of Mr. J. Speed Smith—1. A bill to construct additional Locks and Dams on the Kentucky river.

On the motion of Mr. Brown—2. A bill to regulate the time of holding the Larue County Court.

On the motion of Mr. Abbett—3. A bill for the benefit of the Gallatin and Carroll County Courts.

Ordered, That Messrs. J. Speed Smith, Mason, Wallace, Sparks, and B. Stone, prepare and bring in the 1st; the committee on the Judiciary the 2d; and Messrs. Abbett, Stevenson, and Mason the 3d.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Wortham—1. A bill to reduce the price of vacant and unappropriated land in Grayson county.

By Mr. Conner—2. A bill for the benefit of Sheriffs.

By Mr. Gardner—3. A bill to change the time of holding the Butler County Court.

By same—4. A bill to amend an act, entitled, an act establishing a Seminary of learning in Morgantown, and for other purposes.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 3d, and 4th were severally ordered to be engrossed and read a third time, and the 2d was referred to the committee on the Judiciary.

The rule of the House, constitutional provision and third reading of the 1st, 3d, and 4th bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The House again resumed the consideration of the bill to repeal the law exempting specific property from execution, and reviving the law exempting two hundred and fifty dollars.

Mr. J. Speed Smith moved to amend said bill by adding thereto the following engrossed clause, by way of rider, viz:

Provided further, That none of the exempted property shall be sold by the assent of the husband, unless accompanied by the assent of the wife in writing, attested by some reputable house keeper in the neighborhood, and the oath of the law officer in whose hands the execution shall be.

Mr. Kelly moved to lay said bill and amendment on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. E. Smith and Kelly, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Balee,
Barkley,

Evans,
Fallis,
Gardner,

Maxey,
McCampbell,
Moore,

Barlow,	Gore,	Peters,
Barnett,	Haggard,	Purdom,
Begley,	Hatfield,	Railey,
Botts,	Hay,	Short,
Bowling, G.	Head,	Smith, E.
Brawner,	Headley,	Smith, J.
Brooks,	Johnston, A.	Sparks,
Clack,	Jones,	Speed,
Clarke,	Kelly,	Stone, S.
Cleaveland,	Layne,	Wallace,
Combs, J.	Mason,	Wheat,
Darnaby,	Mayes,	Wortham—46.
Dudley,		

Those who voted in the negative, were—

Messrs. Abbett,	Glenn,	Priest,
Alexander,	Glover,	Reid,
Anthony,	Harlan,	Rodman,
Breeden,	Hardy,	Seaton,
Brown,	Howell,	Shawhan,
Cessna,	Hunton,	Smith, J. Speed
Combs, L.	Jackson,	Stephens,
Conner,	Johnson, D. B.	Stevenson,
Cox,	Mayhall,	Stone, B.
Dallam,	McKellup,	Thomas, A. W.
Desha,	Miller,	Thomas, W.
Duncan,	Murray,	Walker,
Ford,	Myers,	Whitlock,
Finnell,	Orndorff,	Whitsett—44.
Gano,	Orr,	

Mr. J. Smith moved a re-consideration of the vote laying said bill and amendments on the table.

And the question being taken thereon, it was decided in the affirmative,

The yeas and nays being required thereon by Messrs. Dallam and Hughes, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Abbett,	Gano,	Priest,
Alexander,	Glenn,	Reid,
Anthony,	Harlan,	Rodman,
Balee,	Hardy,	Seaton,
Bowling, R. C.	Howell,	Shawhan,
Breeden,	Hughes,	Smith, J.
Brown,	Hunton,	Smith, J. Speed
Cessna,	Jackson,	Stephens,
Combs, L.	Johnson, D. B.	Stevenson,
Conner,	Lapsley,	Stone, B.
Cox,	McKellup,	Thomas, A. W.
Dallam,	Miller,	Thomas, W.

Desha,
Duncan,
Ford,
Finnell,

Murray,
Myers,
Orndorff,
Pope,

Walker,
Whitlock,
Whitsett—47.

Those who voted in the negative, were—

Mr. Speaker,
Messrs. Barkley,
Barlow,
Barnett,
Begley,
Botts,
Bowling, G.
Brawner,
Brooks,
Clack,
Clarke,
Cleaveland,
Combs, J.
Darnaby,
Dudley,
Elliott,

Evans,
Fallis,
Gardner,
Gore,
Haggard,
Hatfield,
Hay,
Head,
Headley,
Johnston, A.
Kelly,
Layne,
Mason,
Mayhall,
Mayes,

Maxey,
McCampbell,
Moore,
Peters,
Purdom,
Railey,
Short,
Smith, E.
Sparks,
Speed,
Stone, S.
Thurston,
Wallace,
Wheat,
Wortham—46.

Ordered, That said bill, and amendments, be referred to the committee on the Judiciary.

Mr. Dallam, from the committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act to amend an act, entitled, an act to incorporate the Louisville and Portland Railroad Company, approved March 2, 1844.

An act incorporating the Covington and Cincinnati Bridge Company.

And bills which originated in the Senate, of the following titles, viz:

An act to change the names of Amanda Jane Hinds, and others, and for other purposes.

An act for the benefit of Elijah McWhorter, of Clay county, and William J. Mayo, of Floyd county.

An act for the benefit of William H. Stephens, and the heirs of Solomon Derossett, deceased.

An act for the benefit of Albert Allen and Ann E. Allen, his wife.

An act providing for a change of venue in the prosecution against Henry Green.

An act providing for a change of venue in the prosecution against Robert Simmons, in the Allen Circuit Court.

An act to amend an act, entitled, an act to amend the law regulating appeals from the judgment of Justices of the Peace, approved Dec. 23, 1831.

An act for the benefit of the heirs of Redmond F. Munday.

An act for the benefit of Lewis Barrett.

An act requiring certain duties of Justices of the Peace.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Dallam inform the Senate thereof.

The House took up the resolution from the Senate for a joint committee to examine certain claims; which being twice read was concurred in.

The House again resolved itself into a committee of the whole, on the bill to revive the Lexington and Ohio Railroad Company, Mr. Desha in the Chair; and after some time spent therein, the Speaker resumed the Chair, when Mr. Desha reported, that the committee had, according to order, had under consideration the bill aforesaid, and had instructed him to report the bill to the House without amendment.

On motion of Mr. Cox,

Ordered, That the said bill be recommitted to a committee of the whole House for this day.

The House then resolved itself into a committee of the whole, on said bill, Mr. Desha in the Chair; and after some time spent therein, the Speaker resumed the Chair; when Mr. Desha reported that the committee had, according to order, had said bill under consideration, and had adopted sundry amendments thereto, which he handed in at the Clerk's table.

The first, second and third amendments were then concurred in.

The said bill, as amended, reads as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That an act, entitled, an act to incorporate the Lexington and Ohio Railroad Company, approved January 27, 1830, with all amendments, except that authorizing the city of Louisville to endorse the bonds of said Company, shall be, and the same is hereby, revived and continued in force, and the further time of ten years is given for the completion of said road from Lexington to Louisville: *Provided*, This renewal shall not be construed to extend to that part of the road between Louisville and Portland: *And provided*, That this renewal is subject to the conditions and limitations hereinafter prescribed.

SEC. 2. The first condition of this act is, that the President and Managers of the Lexington and Ohio Railroad Company, last, or now in office, shall, within sixty days from the passage of this act, at a meeting of the Board called for the purpose by the President, or any two of the Directors, at some place in the city of Lexington, named in the call, enter a resolution on the minutes or records of the proceedings of the Managers of said Company, an acceptance of this act, and file with the Secretary of State, under the seal of the corporation, a copy of said resolution of acceptance.

SEC. 3. The second condition of this act is, that the Commonwealth of Kentucky, in consideration of _____ dollars, the sum advanced as the endorser of the bonds of the said Company, and for the repairs of the road between Lexington and Frankfort, and not reimbursed from the receipts of that part of the road, agrees, on the payment of said sum in cash, on the bonds of this Commonwealth, constituting part of the

public debt, to release and restore to said Company, all of the said road, and the property and estate of said Company now held by the Commonwealth, and the right of way, and all other rights, properties, and privileges, acquired by the Commonwealth, under her purchase of said road, and its property and estate. And, on the payment of the said dollars, the Governor of this Commonwealth is authorized and directed, by appropriate deed, to be recorded in the office of the Court of Appeals, to make a re-conveyance of said railroad, property, and estate, to the said Company: *Provided*, That such re-conveyance and release shall not be held to transfer the stock of the Commonwealth in said road.

SEC. 4. The third condition of this act is, that said road, property, and estate, shall not be liable for the debts now due and owing by said Company, nor shall said Company, after the acceptance of this revived act, or any after acquired estate or property of any kind, be liable for said debts.

SEC. 5. The fourth condition of this act is, that the shares of said Company shall be reduced to fifty dollars, and the present stockholders in said Company, who have, or shall pay par value for their stock, shall have a right to subscribe for an equal number of shares of said stock, and, on the surrender of the old stock, to receive a credit of twenty five dollars per share on the new stock therefor; and such stockholders shall not be liable to be called on to make further payment on said stock, until the new subscribers shall have paid twenty five dollars per share on their stock, and further calls shall be made on the stockholders beyond twenty five dollars per share: *Provided*, That the State shall have a right to subscribe for a number of shares of the new stock equal to the number of shares of the old stock, for which she had paid par value, and shall receive a credit on the books of the Company for the full amount of said subscription: *And provided*, That the present holders of debts against said Company shall be placed, in relation to their debts, on the footing of the present stockholders in said Company, and have the right to subscribe for one share of new stock in said Company, for each one hundred dollars of the debts; and, on releasing their said debts, receive a credit of twenty five dollars on each share of new stock, and be liable for the residue, as the other new stockholders who shall have paid twenty five dollars on their stock: *And, provided also*, That the holders of the debts of said Company, for which the bonds of the Company, endorsed by the city of Louisville, are pledged, shall have the right to subscribe for shares of the stock of said Company, for each one hundred dollars of said debt, and, on the surrender of the debts, receive a credit of twenty five dollars on each share of said stock, and be liable to pay the residue whenever the subscribers of new stock shall have paid twenty five dollars per share on their stock, and as further calls shall be made: *And, provided also*, That all stockholders and creditors of said Company, who shall not, within one year after the acceptance of this act, avail themselves of the privileges of this section, shall be considered as having released their stock and debts for the benefit of the said Company.

SEC. 6. That the subscribers and holders of new stock, subscribed under this revived act, shall have the exclusive right to choose the President and Managers of said road, and to enjoy all the rights and privileges of the Lexington and Ohio Railroad Company, as revived by this act; and as soon as one hundred thousand dollars shall be subscribed, under this revived act, a meeting shall be called, on a day to be named in the notice, at either Lex-

ington or Louisville, and a new Board of Managers shall be chosen for said road; the time and place of meeting to be advertised in a newspaper published at each place, not less than ten days, and thereafter the elections may be held either in Lexington or Louisville, as the by-laws of the Company shall direct.

SEC. 7. The President, or any two of the present or last Board of Managers, shall have the right to act as President and Managers of said Company under this revived act, until after the first election by the new stockholders; and it shall be lawful to obtain subscription to the said stock by private application, without advertising the opening of books of subscription; and to sell stock for the right of way, and in payment of materials, on the construction of the road, and any estate or property needed by said Company for said road; and to sell or procure to be subscribed, as much stock as will be necessary to complete and put the said road in successful operation.

SEC. 8. That said Company shall have the right to take possession of that part of the road between Louisville and Frankfort, including the piers of the railroad bridge at Frankfort, as soon as a new Board of Managers shall be chosen, and proceed with the construction of the road from Louisville towards Frankfort; and shall not be entitled to the possession of that part of the road from Lexington to Frankfort, until the said two hundred thousand dollars shall be paid to the Commonwealth.

SEC. 9. The President and Managers of said road, when authorized by a meeting to be called for that purpose, may mortgage said road, or any part of it, for money to complete the road, or for materials, or to secure its debts, but no such mortgage shall be made without the concurrence of two-thirds of the stockholders in interest, and a meeting of the stockholders may be called by the President and Managers, or by stockholders who shall own fifty thousand dollars of the stock, by giving twenty days notice of such meeting, in a newspaper printed in Lexington and in Louisville, and the representation of not less than two-thirds of the stock in interest, shall be sufficient to authorize the action of a stockholder's meeting; their meetings shall be either at Lexington or Louisville.

SEC. 10. That, in constructing the said railroad from Louisville to Frankfort, and repairing or re-constructing said road from Lexington to Frankfort, no iron rail, of less than fifty pounds per lineal yard of rail, shall be laid down, except for turn-outs or sideling tracks.

SEC. 11. That said Company shall have the right, on completing said road from Louisville to Lexington, to extend the same from Lexington to the State line, on the route to meet the Baltimore and Ohio Railroad, under this charter: *Provided, however,* That a line of railroad from Lexington to Maysville may be commenced in extension of that part of the road already completed between Frankfort and Lexington, whenever a separate subscription for said extension shall be raised sufficient to complete it, according to the estimate of a competent engineer; and books are hereby authorised to be opened by Commissioners under the appointment of the City Council of Maysville, at such places as said Council may select, within one year from the passage of this act, after giving due notice in three public newspapers of this State. The stockholders in said extension, shall have the right to elect a Board of Managers to direct and control its construction, each share consisting of \$50, and representing one vote in the said election, which Board shall have the right of purchasing and holding property in the name of the Company, and of

using the corporate name and power of the Company, for all purposes necessary to the successful completion of the said extension. After its completion, the stockholders in the extension, shall be stockholders and members of the Company to the amount of their stock, and shall have the same rights and privileges as other stockholders, and subject to the same authority, regulations and limitations.

SEC. 12. *Be it further enacted*, That it shall and may be lawful for said Railroad Company to branch the said road, and run lines to points within the Commonwealth on the terms mentioned in the act to which this is amendment, and the several acts amendatory thereto. And also for new companies, hereafter to be incorporated, to unite with this road; and the said Company hereby revived, shall not charge for freight or passengers brought on it from other railroads, as above permitted, any more than the regular rate charged on this road from end to end, *pro rata*.

SEC. 13. That the President and Managers of said Lexington and Ohio Railroad Company, shall have the right to terminate this road at a point on the Ohio river, somewhere within the present corporate limits of the city of Louisville: *Provided*, A majority of the Mayor and Council agree thereto. And it shall be lawful for the said city to subscribe for stock in the said road: *Provided*, The citizens of Louisville request the Mayor and Council so to do; and it shall be lawful for the said city to raise the amount of its subscription, as it shall be called by the President and Managers of said road, by a tax on the real and personal estate, or either, within the said city, or by borrowing the amount thereof, payable in the way and on the terms the said Mayor and Council may deem most advisable. And the said city may provide for the payment of principal and interest of any sum borrowed, by taxation of the real and personal estate within the said city.

SEC. 14. The General Assembly reserves to itself the right of taxing the travel and transportation upon the railroad constructed under the provisions of this and the acts hereby revived: *Provided*, The tax imposed upon the Company for a single passenger, shall not exceed one cent per mile traveled; and the tax for the transportation of merchandise, baggage, produce, and all other articles, shall not exceed the rate of two cents per ton, per mile, and at that rate for less than one ton: *Provided*, No tax shall be imposed, the imposition of which, will reduce the dividends of the Company below per cent.

The fourth amendment proposed to said bill by the committee of the whole, is as follows, viz:

The further condition of this act is, that the President and Directors of said Company shall, within six months after the passage of this act, transfer to the Governor of this Commonwealth, and his successors in office, shares of the stock of said Company, equal at par value in amount, to the sums laid out and expended by the State in the construction of said road, amounting to dollars; and also the sums laid out and expended by the State in the Slackwater Navigation of the Kentucky river, amounting to dollars—that the road and the river become the joint stock of the Company and the State—but that the river and tolls thereon belong exclusively to the State and under its control, until the amount which shall be expended in the works on said road, by said Company, shall equal the amount invested in shares of said Company by this State—then, if not finished, the Company and State

to furnish equal sums for its completion: *Provided*, That should tolls on said road, before its completion, amount to more than the tolls on the Kentucky river, the excess is to be equally divided between the State and said Company.

And the question being taken on adopting the same, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Pope and Miller, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Abbett,	Hatfield,	Purdom,
Barnett,	Hay,	Shawhan,
Begley,	Head,	Short,
Bowling, G.	Headley,	Smith, J. Speed
Brawner,	Johnston, A.	Sparks,
Cleaveland,	Kelly,	Speed,
Combs, J.	Lapsley,	Stone, B.
Desha,	Layne,	Stone, S.
Duncan,	Mason,	Thomas, A. W.
Elliott,	Mayes,	Thomas, W.
Evans,	McC Campbell,	Thurston,
Gano,	McKellup,	Walker,
Gardner,	Moore,	Wallace,
Haggard,	Murray,	Wheat,
Harlan,	Orndorff,	Whitlock,
Hardy,	Priest,	Wortham—48.

Those who voted in the negative, were—

Mr. Speaker,	Darnaby,	Miller,
Messrs. Anthony,	Dudley,	Myers,
Barkley,	Ford,	Orr,
Barlow,	Finnell,	Peters,
Botts,	Glenn,	Pope,
Breeden,	Glover,	Railey,
Brown,	Gore,	Reid,
Brooks,	Howell,	Rodman,
Cessna,	Hunton,	Seaton,
Clack,	Jackson,	Smith, E.
Clarke,	Johnson, D. B.	Smith, J.
Combs, L.	Jones,	Stephens,
Conner,	Mayhall,	Stevenson,
Cox,	Maxey,	Waller—43.
Dallam,		

The question was then taken on engrossing and reading said bill a third time, it was decided in the negative, and so the said bill was rejected.

A message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that he had, on this day, approved and signed enrolled bills which originated in this House of the following titles, viz:

An act to amend an act, entitled, an act to incorporate the Louisville and Portland Railroad Company, approved March 2, 1844.

An act incorporating the Covington and Cincinnati Bridge Company.

And then the House adjourned.

WEDNESDAY, FEBRUARY 11, 1846.

1. Mr. Miller presented the petition of sundry citizens of Jefferson county, praying the passage of an act incorporating a company to construct a Turnpike Road from Fisher's mill, on Floyd's Fork, to the Louisville and Shelbyville Turnpike Road.

2. Mr. Abbett presented the petition of sundry citizens of Gallatin, Carroll, and Owen counties, praying the passage of a law giving the County Courts of said counties control of the State road from Ghent to New Liberty.

3. Mr. Ford presented the petition of Edmund F. Smith, administrator of Thos. Smith, Sr., deceased, praying the passage of a law authorizing a sale of certain real estate of said deceased.

Which were received, the reading thereof dispensed with, and referred: the 1st and 2d to the committee on Internal Improvement, and the 3d to the committee on the Judiciary.

Mr. E. Smith read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will, by joint ballot, proceed, at 12 o'clock on the 21st instant, to the election of the public officers.

Mr. Harlan, from the committee on the Judiciary, to whom was referred the bill to amend an act, entitled, an act authorizing a settlement with John Tilford, approved February 10, 1845, made the following report, viz:

The committee on the Judiciary, to whom was recommended a bill, entitled, "an act to amend an act, entitled, 'an act authorising a settlement with John Tilford, approved February 10th, 1845,'" with instructions to report the facts relative to the claim of said Tilford for services rendered the State in selling State bonds, report:

That in virtue of three several acts of the General Assembly, the first, entitled, "an act for the Internal Improvement of Kentucky," approved February 28th, 1845; the second, entitled, "an act defining the powers and duties of the Board of Internal Improvement, and for other purposes," approved

February 29th, 1836; and the third, entitled, "an act authorizing the subscription of Stock in the Louisville Bank of Kentucky," approved February 12th, 1836; James T. Morehead, Lieutenant and Acting Governor, on the 14th of May, 1836, appointed John Tilford to proceed to the Eastern cities and sell, for the best price which could be obtained, nine hundred thousand dollars of five per cent. State Bonds. That Mr. Tilford proceeded immediately on his mission, and on the 17th of September, 1836, he effected a sale of the whole amount to Thomas Biddle & Co., of Philadelphia, at par, payable in monthly instalments of seventy-five thousand dollars. When the agreement was submitted to Governor Clark, (having a few weeks before been installed into office,) he declined approving the contract, because the whole amount was not to be paid at once.

The laws under which a sale of the bonds were authorized to be made, were silent as to the employment of an agent, or the expenses incident thereto. There was no special agreement between Gov. Morehead and Mr. Tilford as to the compensation to be paid the latter for his services. The usual allowance in such cases was one-half of one per cent. In some instances only one-fourth per cent. was paid.

From an examination of the Executive Journal of the late Gov. Clark, the committee find that he commissioned James T. Morehead, Esq., Agent to sell State Bonds, and *advanced* to him \$1000 on 25th March, 1837: on the 10th May, 1837, Gov. Clark addressed a letter to Mr. Morehead, requiring him to return home, there being no prospect of selling any bonds: Mr. Morehead returned without effecting any sale of bonds.

Mr. Tilford was employed about four months, paid his personal expenses, and other expenses incidental to his mission, such as advertising, &c., no part of which has been re-imbursed to him. There is no circumstance in the whole transaction which would lead to the conclusion that the compensation to be paid to the agent was dependent upon the confirmation of any contract which he might make for the sale of State Bonds.

There being no fund set apart to reimburse Mr. Tilford for his expenses incurred and services rendered the State, he applied to the Legislature for relief. The following synopsis taken from the Journals, shows the action of the two Houses upon the subject:

February 3d, 1843. Mr. Payne presented to the Senate the petition of Mr. Tilford, praying compensation for his services in making sale of State Bonds in 1836, which was referred to the appropriate committee. Senate Journal, 1842-3, p. 168.

February 23d, 1843. Mr. James, from the committee on Finance, to whom was referred a bill for the benefit of John Tilford, reported the same with an amendment, which was concurred in. Same Journal, p. 277.

Mr. Conner moved to postpone its further consideration until the 1st of June, which was decided in the negative.—Yeas 5, nays 29. It then passed. Yeas 32, nays 3. Same Journal, p. 278.

In the House of Representatives, March 8, 1843. "A bill from the Senate, entitled, an act for the benefit of John Tilford, was read the first time, as follows, viz:

"WHEREAS, John Tilford, under the authority of the Governor of Kentucky, and authorized by the Governor as the Agent of the State, went "on a mission to the Eastern cities, and was absent some four months on "the business of the State: And whereas, it is doubted whether any law

"exists to give compensation to said Tilford for his services, or to refund him his personal expenses incurred by said mission—for remedy whereof,

"Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said John Tilford shall be paid the sum of five hundred dollars, out of the Internal Improvement Fund, for his services and expenses incurred in said Agency; and shall receive the said five hundred dollars in the six year bonds of Kentucky, bearing an interest of six per cent."

A motion was made to lay the bill on the table until the 10th of March, which was decided in the negative—Yeas 40, nays 46. The question was then taken on the second reading of the bill, and decided in the negative. Journal H. R., 1842-3, p. 570.

In the Senate, February 9, 1844. Mr. James, from the committee on Finance, reported a bill for the benefit of John Tilford, and on the question, shall the bill pass, it was decided in the affirmative.—Yeas 23, nays 5. Senate Journal, 1843-4, p. 239, 240,

In the House of Representatives, February 29, 1844. Mr. Coffey, from the committee on Claims, to whom was referred a bill from the Senate for the benefit of John Tilford, reported the same without amendment. The said bill reads as follows, viz: *"Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Second Auditor be directed to issue a warrant on the Treasury to John Tilford, for five hundred dollars, in full for his services and expenses, incurred in 1836, in making sale of nine hundred thousand dollars of State Bonds, which shall be paid out of any money in the Treasury not otherwise appropriated."

And the question being taken on reading said bill a third time, it was decided in the negative, and so the said bill was disagreed to. Mr. Lawless moved a reconsideration, which was also decided in the negative. Yeas 40, nays 45. H. R. Journal, p. 538, 539.

In the Senate, January 16th, 1845. Mr. James, from the committee on Finance, reported a bill authorizing a settlement with John Tilford. Senate Journal 1844-5, p. 102.

January 18, 1845. Mr. Ballard moved to lay the bill on the table, which was decided in the negative. Yeas 9, nays 26. It was then passed. Yeas 25, nays, 11. Senate Journal, p. 117-18.

In the House of Representatives, February 10th, 1845. Mr. Collins, from the committee on Claims, to whom was referred a bill from the Senate, authorizing a settlement with John Tilford, reported the same without amendment; and on the question, shall it pass, was decided in the affirmative, without a division. House Rep. Journal 1844-5, p. 252. The bill as passed both Houses, and approved by the Governor, reads as follows:

"Whereas, it is represented to the present General Assembly, that John Tilford, of the city of Lexington, is entitled to some compensation for services rendered, and expenses incurred, in the year 1836, in the sale, in the Eastern cities, of nine hundred thousand dollars of five per cent. bonds of the State of Kentucky—therefore

"SEC. 1. *Be it enacted, by the General Assembly of the Commonwealth of Kentucky,* That the Governor, Attorney General, and Secretary of State, be, and they are hereby, authorized to examine all the facts of the case, and allow to the said John Tilford such compensation for his services as they may

deem equitable and just: *Provided*, such allowance shall not exceed the sum of five hundred dollars.

"SEC. 2. *Be it further enacted*, That upon such adjustment, the Governor, Attorney General, and Secretary of State, shall certify the same to the Second Auditor, who is hereby authorized to draw his warrants upon the Treasurer for the amount so allowed, payable out of any moneys in the Treasury not otherwise appropriated."

The bill now before the committee is amendatory of the foregoing acts by authorizing a majority of the persons mentioned therein to adjust the claim of Mr. Tilford.

The committee present, herewith, as parts of this report, the power of attorney from Gov. Morehead to J. Tilford, marked A., the letters of said Tilford marked B., the written statement of said Morehead marked C., and the agreement between said Tilford, and Thomas Biddle & Co., for the sale of \$900,000 of State Bonds, marked D.

Mr. Harlan, from the committee on the Judiciary, to whom was referred the bill to extend the terms of the Cumberland Circuit Court, reported the same without amendment.

Mr. Haggard moved to amend said bill.

And the question being taken on adopting the same, it was decided in the negative.

The question being taken on engrossing and reading said bill a third time, and it was decided in the negative, and so said bill was rejected.

Mr. Harlan, from the same committee, to whom was referred the bill for the benefit of landlord and tenant, reported the same with an amendment; which was concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

On motion of Mr. Kelly, leave was given to bring in a bill to amend the laws of civil and chancery proceedings.

Ordered, That Messrs. Kelly, Evans, and Brown prepare and bring in the same.

The following bills were reported by the committee on the Judiciary, viz:

A bill for the benefit of John D. Howard.

A bill providing for a change of venue in the prosecution against Joseph H. Coleman.

A bill authorizing the County Court of Marshall county to appoint a Treasurer.

A bill to amend an act, entitled, an act for the benefit of Eliza A. Roman, approved February 13, 1844.

A bill to establish a Mechanics' Institute in the town of Paducah.

A bill for the benefit of the infant heirs of James Howe, deceased.

A bill to allow an additional week to the Ballard Circuit Court.

A bill to change the August term of the Hickman County Court.

A bill to amend in part and repeal in part, an act, entitled, an act to amend the laws incorporating the town of Hickman, in Fulton county.

A bill for the benefit of William F. B. Garrett and Rebecca Garrett.

A bill reducing the number of Justices of the Peace of Washington county.

A bill requiring Clerks of County Courts to perform certain services.

A bill to amend and reduce into one the several acts in relation to the town of New Liberty, in Owen county.

A bill for the benefit of Robert A. and Mary P. Moffett.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Harlan, from the committee on the Judiciary, reported a bill concerning the Court of Appeals; which was read the first time as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Court of Appeals shall hold two sessions in each year, one commencing the first Monday of April, and the other the first Monday of December, each to continue the number of days now required by law.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Mr. Harlan moved to amend said bill by striking out "December," and inserting in lieu thereof, "October," and adding to the bill the following, viz:

Be it further enacted, That process on writs of error and executions from the Court of Appeals may be directed to the Sergeant of the Court of Appeals, and by him executed: *Provided, however*, That said Sergeant shall not charge any more fees or compensation than is now allowed by law, to Sheriffs for similar services.

Mr. Stevenson moved to amend the first clause of the amendment proposed by Mr. Harlan, by striking out the word "October," and inserting "January."

A division of the question being called for, the question was first taken on striking out, and decided in the affirmative.

The question was then taken on filling the blank with "January," and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Harlan and Hughes, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Glenn,	Priest,
Messrs. Abbett,	Glover,	Railey,
Alexander,	Haggard,	Rodman,
Anthony,	Head,	Seaton,
Botts,	Headley,	Short,
Breeden,	Howell,	Smith, E.
Brown,	Hughes,	Smith, J.
Brooks,	Hunton,	Sparks,
Cessna,	Johnston, A.	Speed,
Clack,	Jones,	Stephens,
Clarke,	Layne,	Stevenson,
Cleaveland,	Mayhall,	Stone, S.
Combs, J.	McKellup,	Thurston,
Conner,	Orndorff,	Waller,
Cox,	Orr,	Wheat,
Dallam,	Peters,	Whitsett—50.
Finnell,	Pope,	

Those who voted in the negative, were—

Messrs. Balee,	Ford,	Maxey,
Barkley,	Gano,	McCampbell,
Barlow,	Gardner,	Miller,
Barnett,	Gore,	Murray,
Begley,	Harlan,	Myers,
Bowling, G.	Hardy,	Purdum,
Bowling, R. C.	Hatfield,	Reid,
Combs, L.	Hay,	Shawhan,
Darnaby,	Jackson,	Smith, J. Speed
Desha,	Johnson, D. B.	Stone, B.
Dudley,	Kelly,	Thomas, A. W.
Duncan,	Lapsley,	Walker,
Elliott,	Mason,	Wallace.
Evans,	Mayes,	Wortham—43.
Fallis,		

The said bill was further amended by striking out "April," and inserting "July."

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Mr. Wortham moved the previous question.

The question was then taken, shall the main question be now put? and it was decided in the affirmative.

The main question was then put, shall the bill pass? and it was decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Dallam and Brown, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Abbott,	Finnell,	Peters,
Alexander,	Glenn,	Pope,
Anthony,	Glover,	Railey,
Botts,	Haggard,	Rodman,
Brooks,	Headley,	Seaton,
Cessna,	Hughes,	Smith, E.
Clarke,	Jones,	Sparks,
Cleveland,	Layne,	Stevenson,
Combs, J.	Mayhall,	Stone, S.
Cox,	McKellup,	Thurston,
Dallam,	Miller,	Wheat—34.
Desha,		

Those who voted in the negative, were—

Mr. Speaker,	Gano,	Myers,
Messrs. Balee,	Gardner,	Orndorff,
Barkley,	Gore,	Orr,
Barlow,	Harlan,	Priest,
Barnett,	Hardy,	Purdum,
Begley,	Hatfield,	Reid,
Bowling, G.	Hay,	Shawhan,
Bowling, R. C.	Head,	Smith, J.
Brawner,	Howell,	Smith, J. Speed
Brown,	Hunton,	Speed,
Clack,	Jackson,	Stephens,
Combs, L.	Johnson, D. B.	Stone, B.
Conner,	Johnston, A.	Thomas, A. W.
Darnaby,	Kelly,	Walker,
Dudley,	Lapsley,	Wallace,
Duncan,	Mason,	Waller,
Elliott,	Mayes,	Whitlock,
Evans,	Maxey,	Whitsett,
Fallis,	McCampbell,	Wortham—59.
Ford,	Murray,	

Mr. Hughes, from the committee appointed to examine Transylvania University, Deaf and Dumb Asylum, and the Lunatic Asylum, made the following report, viz :

The joint committee appointed to visit the Lunatic Asylum and Transylvania University at Lexington, and the Deaf and Dumb Asylum at Danville, have performed that duty, and respectfully submit the following report :

They visited the Lunatic Asylum, examined the construction and arrangement of the buildings, and the situation and condition of the patients. They take great pleasure in stating that the greatest cleanliness and neatness prevailed through all the apartments, and they were so arranged as to afford to the unfortunate inmates, every convenience and comfort attainable with the present construction and extent of the buildings. The intercourse with, and attention to the patients by the Medical Superintendent, and other officers and agents of the Institution, were distinguished by the utmost kind-

ness, pleasantness and tenderness. The patients enjoy every opportunity to exercise in the open air, and as much freedom from restraint, as is consistent with their situation, and the construction of the buildings and partition of the grounds will permit. The good order, decorum, and propriety of their conduct, not only in their intercourse with the Superintendent, but with each other, and with strangers, in their apartments, in the yard, and at their meals, is very remarkable, and affords satisfactory evidence of the happy effects of kindness and politeness in their attendants. Your committee are satisfied that they are as well classified, and receive every attention and comfort that can be afforded by the most competent and devoted Superintendent, with the present contracted and inconveniently constructed buildings. The buildings are entirely inadequate to the judicious and proper classification of the present number of inmates; and are so constructed, that some of them necessarily occupy damp and disagreeable apartments in the basement story, which is clearly stated and commented upon in the able report of the Medical Superintendent. The area of the ground of the Institution, is about thirty acres, which is entirely inadequate to its successful and economical management; but there is no land that can be procured at this time for a reasonable price. The Directors of the Institution, who deserve the regard and gratitude of the friends of humanity, for their disinterested efforts to ameliorate the condition of the insane, recommend the appropriation of \$15,000, in addition to the materials and means on hand, and labor that can be contributed from the Institution, as the smallest sum that will be sufficient to erect suitable buildings and other improvements that are necessary for the judicious classification and comfort of the patients. The number of patients at present in the Institution, is 220—a large increase since last year. And the Directors have been compelled, for the want of room, to refuse admission to more than fifty applicants from other States during the past year, which clearly demonstrates the absolute necessity for enlarging the buildings. The law requires that persons who are able to pay, shall not be charged more for the benefits and comforts of the Institution, than the State appropriates to support her own indigent citizens.

Many patients require more attention, and are more troublesome than others; and your committee can see no good reason why those who can afford it, should not pay in proportion to the trouble they give, and the attention and comforts they require and receive. The Superintendent stated that in some instances the medicine actually administered to a patient in a week, cost more than the amount of the weekly charges. In all other well regulated Asylums, pay patients, and particularly those from other States than the one in which the Asylum is located, are charged more than those supported at the public expense. And a proper and just regulation of this matter, would yield a revenue to the Institution, that would aid in its general support and improvement, and reduce the annual expenditures on the part of the State. Your committee would therefore recommend, that the charges for the pay patients be increased, at the discretion of the Directors, not exceeding five dollars per week.

From the report of the Superintendent, it is evident that patients should be in the Institution as soon as practicable after the discovery of their malady. It is therefore very desirable that every inducement should be offered, and every facility afforded, for their speedy removal to the Institution; and with a view to attain this object, your committee would recommend, that

the Clerk, or some suitable person in each county, be authorized to hold inquisitions of lunacy, under the rules and regulations now prescribed by law.

The costs of conveying Lunatics to the Asylum, is now a heavy item of expense, and it is believed a great saving would result to the Institution, by requiring the Directors to send for the patients, as soon as they can be notified of the inquest.

From information of persons well acquainted with the management of the insane in various Asylums, your committee are satisfied that 250 are as many as ought to be in any one institution; that there are now in our State, at least 500, more than half of whom are without the enjoyment of the blessings and comforts of hospital treatment. And if Kentucky intends to maintain and preserve the high character she has so justly acquired, for liberality and humanity in affording protection and support to this unfortunate class of her citizens, she must erect another institution. And the great facility of acquiring, at small cost, a suitable quantity of land for its location; the great abundance of building materials, cheapness of building, and supplies for the support of such an institution, and the great saving in the costs of conveying the patients to the Asylum, point to the Southern part of the State, as a suitable and proper place for its location.

For an account of the management, income and expenditures of the Institution for the past year, and for the current expenses of the present year, reference is made to the report of the Directors and Secretary of said Institution.

For a list of the officers, attendants, &c., and their salaries, see exhibit (A,) appended to this report.

TRANSYLVANIA UNIVERSITY.

Transylvania University continues to prosper and flourish, under its present organization, and bids fair to outstrip the most sanguine anticipations of its friends, and become one of the most extensive and distinguished institutions of learning in our country. Good order, method, and proper discipline, are strictly observed in its management. Its elevated and healthy situation, in the beautiful and lovely city of Lexington, together with the moral worth and intellectual acquirements of its Professors, render it one of the most desirable schools in the Union. The number of Students in Morrison College, including the Preparatory Department, as stated by the Chairman of the Trustees, is 231—Law Department, sixty—Medical Department, one hundred and seventy. The eminent ability, profound learning, and great experience of the Professors in the Law Department, have given to it a character and rank not surpassed by any similar Institution in our country. The facilities afforded for acquiring a knowledge of the elementary principles of the science, from the critical examination of the text books, and the explanatory lectures by the Professors; and a practical knowledge of the principles of pleading, as applicable to cases that constantly occur in the country, from the exercises in the moot courts, should induce every student desirous of becoming proficient in his profession, to attend at least one course of the lectures.

The Medical Department, also offers inducements equally enticing to the students of medicine. It is one of the most ancient and distinguished in-

stitutions in the West. The high character and standing of its Professors; its extensive and commodious buildings, fine Library, Chemical Apparatus, and superior preparations of Morbid Anatomy, and specimens on the various subjects of the lectures, will insure the perpetuation of the established reputation it has so justly acquired.

DEAF AND DUMB ASYLUM.

The Deaf and Dumb Asylum is pleasantly located on the border of the beautiful and healthy town of Danville. Neatness, good order, and proper discipline, seem to be properly appreciated and observed in the management of this Institution. And under the Superintendence of its very accomplished and experienced Principal, J. A. Jacobs, and its amiable and intelligent Matron, Mrs. Jacobs, every facility is afforded to the unfortunate Deaf and Dumb for receiving the inestimable benefits of education. The number of pupils now enjoying the benefits afforded by this Institution, is thirty seven—greater than at any previous period since its establishment. Your committee had the pleasure and satisfaction of witnessing an examination of the pupils. The wonderful progress made by them in the acquisition of knowledge, affords the most incontestible evidence of the qualifications of the teachers, and their industry and application in the discharge of their duty. The number of beneficiaries at present authorized by law, to be supported in this Institution, is twenty-five. There have been, since October last, four over this number enjoying the benefits of the Institution. Your committee would recommend that an appropriation be made for their support since their admission, and that the number provided for by law be enlarged to thirty. This, it is believed, will afford to all the indigent of this unfortunate class of our citizens, an opportunity of enjoying the blessings of education. And since provision has been made for a portion of this class, sheer justice and common benevolence, require at our hands, that all should be upon an equality, and enjoy the same benefits and privileges. For an account of the receipts and disbursements of the Institution, reference may be had to the report of the Trustees.

N. E. GRAY,

Chairman Senate Committee.

WILLIS G. HUGHES,

Chairman of the H. R. Committee.

EXHIBIT A.

The following persons are in the employment of the Lunatic Asylum of Kentucky, with their compensation annexed.

No.	NAMES.	SERVICE.	COMPENSATION.
1	John R. Allen, - -	Medical Superintendent,	\$375 00 per qur. and Board.
2	J. Simpson, - -	Assistant Physician, -	91 00 " "
3	W. Rice, - -	Steward, - - -	75 00 " "
4	Mrs. J. Rice, - -	Matron, - - -	50 00 " "
5	Miss Mary Burch, - -	Attendant, - - -	25 00 " "
6	Miss F. Reale, - -	" - - -	37 50 " "
7	Miss E. Johnson, - -	" - - -	25 00 " "
8	Miss L. Weaver, - -	" - - -	37 50 " "
9	Mrs. L. Anderson, - -	" - - -	25 00 " "
10	Miss M. J. Withrow, - -	" - - -	25 00 " "
11	Miss E. Diamond, - -	" - - -	25 00 " "
12	John Williams, - -	" - - -	60 00 " "
13	John Sullivan, - -	Farmer, - - -	60 00 " "
14	M. Cummins, - -	" - - -	60 00 " "
15	W. Evans, - -	Gardner, - - -	60 00 " "
16	A. H. Weaver, - -	Attendant, - - -	60 00 " "
17	P. Fitzpatrick, - -	" - - -	60 00 " "
18	W. Christie, - -	" - - -	60 00 " "
19	T. Probert, - -	Attendant and Baker, -	60 00 " "
20	W. Holliday, - -	Attendant, - - -	60 00 " "
21	P. Hann, - -	Carpenter, - - -	78 00 " "
22	Four Negro Women, -	Cooks, - - -	135 00 per annum.
23	One Negro Woman, -	House servant, - -	40 00 " "
24	W. E. Milton, - -	Secretary and purchaser of supplies, &c. }	125 00 per qur. without Board.

Lost time is deducted from their wages.

Ordered, That the Public Printer forthwith print 200 copies of said report for the use of the members of this House.

Mr. Hughes presented the memorial of Miss D. L. Dix, which is as follows, viz:

To the General Assembly of the Commonwealth of Kentucky:

GENTLEMEN:—I ask the indulgence of placing before you some remarks suggested by repeated and careful inspection of the State Hospital for the Insane, at Lexington; and also the results of journeys recently made through forty four counties of your State, in view of ascertaining, as far as possible, the numbers and condition of this class of sufferers who have not been brought under remedial hospital care.

I would respectfully and earnestly urge the duty of providing a remedy for prominent defects and deficiencies in the present establishment, and suggest some reasons which appear absolute and consistent, for early additional provision in a southern district of the State for this numerous and increasing class of sufferers. Justice and humanity unite to present these claims, and it may be added, that both present and future *economy* in the administration of the public funds sustain their plea.

I approach you with confidence as the advocate of those who, alas, cannot plead their own cause—of those in whom the light of the understanding is darkened, and who are crushed under the weight of an overwhelming mala-

dy—yes, I approach you with confidence, for I am told that the citizens of Kentucky have heretofore been neither slow nor reluctant in responding to the calls of duty, and acknowledging the claims of those, who through privation and disease are made *wards* of the State—legalized dependents on its beneficent and guardian care.

Legislators of Kentucky, I do not now urge the necessities of these afflicted ones, so much in the *hope* of your effective and generous action, as in the *belief* that you will not hesitate to provide amply for those who, in the providence of God, cannot provide for themselves: yes, I *believe* that with united mind and will, you will act wholly upon that sacred rule of universal obligation, which enjoins upon Legislators no less than upon individuals in their social relations, to do for others what they in similar circumstances would have meted to themselves.

Of all the calamities to which humanity is subject, none is so dreadful as insanity. Pinching want, hideous deformity, acute disease, mutilation, deafness, blindness; all these are distressing in their effects alike upon the sufferer and those with whom he is connected; but sad as are these distresses they leave to the unfortunate, human sympathies and priceless affections. They admit the assuaging influence of consolation and tender care, *recognizing* through these the love that prompts, and the hand that ministers. Not so is it with those who are smitten with the visitation of *insanity*—that disease which produces utter dependence for the supply of all physical wants, and rends away the noblest attributes of humanity.

The heart grows cold, and no gentle or generous affections flourish there. The brain no longer exercising its functions healthfully, reveals only distorted images of the mind. Healthful, intellectual vigor is prostrated, and man, from bearing affinity with spiritual natures, becomes in an hour, transformed to a mere brute existence, manifesting little beside low animal instincts. This malady, the offspring of civilization, increases annually in our country, and demands not on the solid ground of *humanity*, and the less stable basis of *expediency*, but through the uncompromizing law of *necessity*, that its progress be arrested and its controllable causes subdued. The evil and the remedy are both before us. Experience and observation have dispelled that long received error which ascribed to the *mind* the production of insanity, and have demonstrated the physiological fact that the proximate cause of this disease is bodily. The *manifestations* of the mind are distorted through physical disease, or disturbance of that organ through which the reasoning faculties find expression. Insanity in strict definition, has ceased to be called *mental disease*; it is rather mental disability. This fact established, we seek for insanity, as for other bodily ailments, those remedies which will *soonest* and *most surely* restore the lost balance of the system. Moral means in various measure, in all diseases, but eminently so in this, comes in aid of medical agents, and it is both conceded and urged by the highest authorities, that *these can be effectually combined only in an establishment specially devoted to the remedial treatment of the various forms of this malady*.

It is a prominent characteristic of insanity, manifested with rare exceptions, in all varieties of this disease, that many of the persons and objects amongst which it is developed, become sources of discomfort, or of serious annoyance and excitement to the patient, thereby nourishing and aggravating irritation and morbid susceptibilities.

Disagreeable thoughts are continually revived by things with which they are associated, as well as by persons whose kindest attentions are construed into proofs of ill-will and ill-design. Thus the mind of the patient is disquieted sufficiently to counteract any curative process the administration of medicine might be preparing. Withdrawal from all outward and familiar disturbing causes counteracts morbid associations, and wholesome influences obtain predominance.

Friends at home rarely possess the means of relief which a violent and sudden exhibition of insanity demands, even if in all cases they can have the advantage of the services of a skilful medical practitioner, familiar with the Protean phases of this disease. The discriminating and watchful *hourly* attention these often, for considerable periods require, can be had only within the walls of a judiciously organized and vigilantly governed Hospital. Here, where mild and gentle, but firm and decided influences are brought to bear, the raving maniac becomes yielding and calm, and the insensible are roused to an interest in the affairs of life, and throw off melancholy and inertia.

Although for a given time a patient may live at greater expense in a hospital than in a poor-house, or in a private family, this is no argument against the former; for granting that expense alone is the consideration, the number of cures wrought through the agency of hospital treatment timely adopted, will in a short period leave the balance-sheet of expense altogether in favor of the latter. But it is not a question of expense which is to be discussed, it is the *rights of suffering humanity*; in Kentucky it is no longer a question whether the poor and friendless maniac, and the helpless subject of dementia shall be provided for; and whether the well-established hospital shall open its doors to but a few favored ones, and reject the many; heretofore it has, I think, been the purpose to provide for *all*. But numbers have now increased vastly beyond the capacity of the present establishment to receive; and it is well known to all who have inquired into the facts, that the lodging apartments are in many cases, crowded to the great disadvantage and discomfort of the occupants. What was once an *ample* provision is no longer *sufficient*. The increased population of the State, and of course the increased number of patients, call for accommodations in measure with this increase.

The first consideration however seems to be attention to the *comfort* and *safety* of the patients resident in the hospital which is already established, by adding such improvements as will place it in rank with the best institutions for the management of the insane in the United States, and put it in the power of the able and devoted Superintendent to do that justice to his patients, and the cause of humanity, which his judgment and skill as a physician, and his kind and humane dispositions suggest.

Within the last three months, I have repeatedly visited the hospital at Lexington, and have been permitted freely to see every department of the entire establishment. With such ample opportunities for observation, I think I am able to do justice to all who share in the administration of the affairs of the institution. The judicious and watchful attention of the resident physician and his assistant, have commanded my confidence and respect. The Commissioners, as official visitors, are as vigilant as they are disinterested. The Steward and Matron are devoted to their very onerous duties, through a hearty interest in the welfare of those whose daily com-

forts so much depend on their fidelity. One cannot sufficiently commend the neatness and order which are maintained in this large establishment; and that these circumstances are preserved under existing inconveniences, must surprise even the most casual observer. This is done at an expense of manual labor and continual oversight, laborious in the extreme.

A transient visitor, passing through the Institution, giving perhaps but a few hours to an examination of its various departments, unacquainted with the details of its domestic economy, and knowing little or nothing of the peculiar and unremitting care which most of those two hundred and twenty patients require; seeing little of the special labors which the defective construction, and the inconvenient arrangements of the present buildings produce,—such a visitor may come away from the hospital, as many I have known, even within the short period of my acquaintance with the Institution; and believe that all is as it should be, and that nothing is wanting to make this a complete and effective establishment.

The most obvious defects may be briefly enumerated as follows:—The kitchen is much too small for the variety and amount of labor to be performed in it. It is deficient in *all* arrangements which would facilitate the accomplishment of work in that department. For the want of a well constructed *range*, with boilers and bakers, the cooking is done by a large iron stove, not the least objection to which is the greater quantity of fuel which it consumes than would a properly adjusted fire, and cooking-apparatus. It is estimated that the saving in fuel alone for a year or eighteen months would cover the expense of erecting a well-constructed and commodious kitchen.

The establishment affords but *one dining-room*, and in this long and cheerless hall must be congregated nearly all the patients, both from the men and women's departments, to partake their meals at one and the same time. That these should be disposed with less comfort than is requisite for a large part of the patients is, under existing arrangements inevitable. And here we see congregated all classes of patients, the incurable and the convalescent; the mirthful and the sad; the unconscious and those whose keen sensibilities are quickened to acutest suffering; these all must come together, and on these are wrought healthful, or oftener injurious influences, according to the form of the malady under which the patient labors. It is deemed an imperative necessity in all well-organized hospitals that the patients be classified with reference to their mental condition and physical wants. Here your Superintendent has *no choice*; it cannot be done, so remarkably defective is the internal construction of these buildings.

There are in this whole establishment, neither bathing-rooms nor washing-rooms of any description. In ordinary domestic arrangements these are needful for comfort and refreshment, as well as for their essential hygienic influences; how much more at all seasons, must this be the case in establishments which receive several hundred inmates, and most of these variously diseased. In no class of diseases indeed, is either warm or cold bathing considered so essential to the curative process, as in that of insanity; yet we have here a hospital which should be complete in all remedial appliances, wholly destitute of even the most simple accommodations for water-bathing. How the benefits of personal cleanliness are commanded at all here, is the wonder. First, laboriously, the water must be "packed" from the spring to the kitchen; next heated in small quantities at a time, in a receiver upon

the cooking-stove; thirdly, it must be conveyed in buckets over two flights of stairs (if for the women's department, if for the men's, across the yards, &c.,) into one of the *day-rooms*, where, after use, it must again and finally, be borne in buckets over one flight of stairs to some waste-drain on the premises. It cannot be necessary to enlarge upon this subject.

The necessity is urgent for the early introduction of water throughout the State hospital; it is requisite in the culinary department, and in all beside. Here again would be a diminution of expense in the item of labor. The quantity of water required for daily consumption in large institutions is not comparable with that demanded in private households. Of thirteen hospitals, with the internal arrangements of which I am acquainted, there is *daily* consumed in each, for all purposes, from *one hundred and twenty*, to *one hundred and sixty barrels*, and this for purposes only of absolute necessity. At Utica, N. York, when the number of patients as yet did not reach two hundred, the daily consumption of water was nearly *four thousand gallons*. Nor did this, in whole, supply the baths, the house-cleansing, washing, and cooking departments. The water at Utica was forced from a well by means of a pump driven by horse-power, to the attic story of the centre building, and thence distributed through pipes over the entire establishment. One horse will force from forty-five to fifty hogsheads in an hour. Every arrangement is made to guard against a conflagration. The roofs are all fire-proof. An engine, and large number of buckets are always *in order and in place*, for instant use. There is an engine at the State Hospital here, but the distance from the spring to the rear buildings, would render its use of little avail. In fine, the first and greatest necessity is to secure an ample supply of water *in* the buildings, as well for security, as for health and convenience.

The laundry is very defective. The ground floor, occupied for cleansing the apparel, &c., is so imperfectly constructed that the health of those who labor there is seriously exposed. The ironing-room is but half the size necessary for the ready and convenient performance of that branch of labor. There is no drying nor airing room at all. In damp and wet weather, therefore, several days sometimes intervene before the requisite changes of body or of bed-garments can be had. A properly constructed washing-house appears desirable, not less for health than for the reduction of labor, and the great reduction in the expenditure of fuel. There is no infirmary in the hospital, nor are there apartments either in the men, or the women's ward, where, in the event of special sickness from fevers, or other incidental illnesses, patients might be kept quiet, and receive all the cares their condition would claim.

Dr. Luther V. Bell, whose reputation not only in our own country but in Europe, gives authority to his opinions, remarks as follows, upon the treatment of the insane: "The value of properly adapted architectural arrangements; of a complete classification of patients; of a well educated, morally elevated, and well paid class of attendants; of well directed and perseveringly applied employment; of mechanical and of agricultural labor; of such amusements of mind and body as experience proves to be best adapted to occupy and direct the diseased intellectual functions and moral susceptibilities; and lastly, such an intercommunication with the sane, in social intercourse, public and private devotional exercises, and in the lighter and gayer re-unions of life, as the peculiarities of each case demand, must be felt and

acknowledged, wherever the insane are entrusted to the care of the refined, the well-informed, and the conscientious. Beyond the judicious, energetic, and experienced application of such moral agents as these, and an adequate medical treatment, there is, and can be no mystery in the treatment of the insane."

The State Hospital at Lexington is pleasantly situated, and at convenient distance from the city. There is attached to this institution about thirty acres of land, but it is much to be regretted that it has not the advantage of owning a farm of one or two hundred acres, whereon those of the patients who are able to labor, and who would be benefited thereby, might be employed. All recent experience shows that a tract of land for agricultural purposes is almost, if not quite, indispensable to the interest both of the patients, and to the domestic economy of the hospital. Whatever shall seem to aid remedial measures, and advance recovery to health, seems demanded at the hands of those who, possessed of this priceless blessing, owe as a thank-offering to heaven, every care to such as are smitten with disease.

Dr. Earle, of the Bloomingdale Asylum refers repeatedly in his valuable reports, to the advantage of well-directed employment for the insane, and offers examples illustrative of this opinion, from which I select the following. "During the Spring of 1844, two farmers, each of whom possessed a good farm, were admitted to our Asylum within a week of each other. They were laboring under the most abject form of melancholy, and had both attempted suicide. In less than a month, their condition being somewhat improved, they expressed a willingness, and one of them a strong desire to work out of doors. Being furnished with implements, they daily went out together, and worked upon the farm with as much apparent interest as if it belonged to themselves. Under this course they continued rapidly to improve, and both were discharged recovered, one at the end of six weeks, the other at the expiration of three months from the time of their respective admissions."

"Another man was brought to the Asylum, laboring under a high degree of active mania. His appetite was poor, and his frame emaciated. He was careless of his personal appearance, restless, turbulent, and almost incessantly talking, in an incoherent manner, upon the delusions attending upon his disease. When out of doors, he was constantly wandering to and fro, talking to himself, and digging the earth with his hands, without end or object, and generally having his mouth filled with grass. For some months there was but little change in his condition. At length, having become somewhat less bewildered, his attendant succeeded in inducing him to assist in making beds. Shortly afterwards he was employed with the painters and glaziers upon the green-house; after this, he went into the carpenter's shop, where he worked regularly for several weeks. Meanwhile, his bodily health improved, his mind gradually returned to its former integrity, and he was discharged cured of his mental disorder."

"These cases are fair examples of the utility of a combination of medical and moral treatment, for in all of them medicine was regularly administered until within a comparatively short period before their departure from the institution. They are presented also as cogent arguments in favor of giving to manual labor that preeminence which has already been assigned to it."

The following schedule of the productions from fifty acres of the Bloomington farm, cultivated by the patients under the direction of the farmer and gardener, may be read with interest.

Hay, - - -	40 tons.	Mangel Wurtzel, - - -	50 bushels.
Oats cut in the milk, - - -	4 "	Turnips, - - -	325 "
Butter, - - -	728 lbs.	Parsnips, - - -	100 "
Milk, - - -	4700 gallons.	Carrots, - - -	30 "
Pork, - - -	2706 lbs.	Onions, - - -	50 "
Potatoes, - - -	500 bushels.	Cabbages, - - -	3000 heads.
Corn, - - -	75 "	Leeks, - - -	4000 "
Sugar Beets, - - -	250 "	Celery, - - -	2600 "
Blood Beets, - - -	125 "	Salsify, - - -	1500 heads.

Beside these there was a full supply, for the *whole* establishment, of peas, beans, squashes, tomatoes, radishes, cucumbers, asparagus, spinach, lettuce, egg-plant, and turkey-plant, beside a good supply of water-melons and muskmellons. Of *fruits*, we had

Apples, - - -	500 bushels.	Cherries, - - -	100 bushels.
Pears, - - -	60 "	Grapes, - - -	800 lbs.
Peaches, - - -	18 "		

Beside currants in abundance, strawberries and raspberries.

By the labor of the patients and gardener three years since, I observe from the annual report of the Connecticut Hospital, that the garden, which contains *an acre and a quarter* of land, surrounded by a carriage-road, and a border planted with evergreens, rose-bushes, and other flowering plants, produced as follows:

Lettuce, 1100 large solid heads.	Cucumbers for pickles, 7 barrels.
Cabbages, 1400 do. do.	Beets, 147 bushels.
Radishes, 700 bunches.	Carrots, 24 "
Asparagus, 2800 do.	Parsnips, 25 "
Rhubarb, 300 lbs.	Onions, 120 "
Marrowfat peas, 14 bushels.	Turnips, 80 "
Sweet Corn, 419 dozen ears.	Tomatoes, 40, "
Summer Squash, 715 dozen.	Early potatoes, 35 bushels.
Squash peppers, 48 dozen.	Winter squashes, 7 wagon loads.
Cucumbers, (table) 756 dozen.	Celery, 500 large heads.

These articles, all of the very best and earliest kinds, and valued at market prices in Hartford, would have amounted to more than 625 dollars. The farm was like the garden, well cultivated." I have quoted these examples, which might be greatly multiplied, to show the excellent economy of a judicious cultivation of the lands pertaining to public institutions, and to enforce the double argument for attaching good farming and gardening land to Hospitals for the treatment of the insane.

I have referred at some length to the special wants and deficiencies of the only establishment for the reception of the insane within the bounds of this wide Commonwealth, and have urged perhaps with importunity, that these wants should be supplied, and that these deficiencies should be remedied. I leave this subject with those whose good sense and convictions of justice will, I trust, conduct to such effectual legislation as shall be in harmony with the humane sentiments of the citizens at large, creditable to the Legislators, and honorable to the Commonwealth.

Many States are active in laying broad and deep the foundations of numerous charitable institutions; in enhancing that real greatness which knows no decline or extinction; let not these outstrip Kentucky in moral elevation, and enlightened wisely directed beneficence. Let it not be said here as of old, in Attica: "The Athenians *know* what is right; but the Lacedemonians *practice* it."

I have yet another plea to urge, another boon to crave. It is for *yourselves and your children* that I ask *additional* benefits. More complete and entire provision is needed for the unruly or unconscious idiot, the helpless epileptic, and the raving maniac. Heretofore your appropriations from the State Treasury since the establishment of the Hospital, have appeared to keep pace with the public need, at least it seems to me that this has been the intention. The Report of the Superintendent of the Hospital reveals the facts of an overcrowded institution, and of numerous applications for admission, for which, of course, there is now no provision. Several hundred insane persons according to the most moderate estimate, are now suffering, in various parts of the State, for want of well-directed remedial treatment. As yet, I have visited but forty-four counties; but from the best sources of information I have been able to consult, it is evident that much suffering exists, and many patients are annually becoming *hopelessly* insane through want of seasonable appropriate care. Friends are often indisposed to place the patient away from home, but if the dispositions were usually favorable to hospital treatment, there at present exists no accommodations for receiving them. In Kentucky alone, of all the States I have traversed, it has not been my painful experience to find the insane poor, filling the cells of poor-houses, or the dungeons of the jails. I have not a single example to offer of an insane person found either in a poor-house or jail, except one patient, whose violent paroxysms and homicidal propensities made it necessary to place him for his own safety, and that of his family, in a county jail, till the session of the court, when the legal measures required for his transfer to the hospital could be adopted. The fact that the *State* assumes the expenses of the pauper insane, explains the entire absence of similar cases of culpable neglect, and dreadful suffering and privation, exposure and distress, which are to this hour frequent in almost, if not quite, every State in the Union.

In Kentucky the affluent and self-supporting classes are the severest sufferers. Just views respecting the healing and kindly influence of hospital care are not so widely diffused as could be wished, and except in the event of sudden and very violent attacks of this fearful malady, the patient is detained by mistaken tenderness within the family circle, till the disease is confirmed, and hope of cure is extinct.

All experience shows that insanity *seasonably treated is as certainly curable as a cold or a fever*. Recovery is the rule; permanent disease the exception.

Dr. Bell, in one of his Reports of the McLean Hospital, at Somerville, states that the records of the institution justify the declaration, that "*all cases certainly recent, that is, whose origin does not directly or obscurely run back more than a year, recover under a fair trial.*" In this opinion Dr. Ray, formerly of the Maine State Hospital, now physician elect to the Butler Asylum, R. Island, fully concurs.

The Directors of the Ohio Hospital, at Columbus, observe in their third annual report, "that the importance of remedial means in the *first* stages of insanity, cannot be too strongly impressed upon the public mind."

Dr. Woodward, of the Massachusetts State Hospital, repeats in nearly every report, and renews arguments, for the *seasonable* treatment of the insane.

Dr. Chandler, late of the New Hampshire Hospital, says, in the report of 1843, that "*it is well established*, that the *earlier* patients are placed under curative treatment in hospitals, the *more sure and speedy* is the recovery."

Dr. Brigham, Superintendent of the State Asylum at N. York, states that, "few things relating to the management of the insane are so *well established*, as the necessity of their *early* treatment, and their removal from home in order to effect recovery. By examining the records of well constructed lunatic asylums, it appears that *more than eight in ten recent cases recover*, while *not more than one in six* of the old cases are cured."

Dr. Awl, of Ohio, remarks in his fifth report, "that fearful as is the disease of insanity, the experience of this and other institutions of the United States, have clearly shown, that *with seasonable aid*, it is by no means an incurable disease; that under *proper medical and moral treatment*, a large proportion do perfectly recover. And of those who are absolutely incurable, a vast number can always be greatly improved, and made comfortable and useful. We unhesitatingly conclude, that the *only safe* and correct course, either for the insane themselves, or for their friends and society, is to provide ample accommodations for them, where there will be opportunity for every one to experience comfort and relief."

Dr. Earle, of the Bloomingdale Hospital, in the report for 1844, states that "it appears to be very satisfactorily proved, that of cases where there is no eccentricity or constitutional weakness of intellect, and where the proper remedial measures are adopted in the *early* stages of the disorder, no less than eighty of every one hundred are cured. *There are few acute diseases from which so large a per centage* of the persons attacked are restored."

"*One of the chief obstacles* to a more general recovery of the patients admitted into public institutions, and one of the principal causes of the great accumulation of deranged people in the community, *is the neglect* of removing them to an Asylum, as soon as *possible after* the commencement of the disease. The mistaken kindness of friends in detaining the patient at home until the period most favorable to recovery is past, has undoubtedly been the cause of rendering the disease of hundreds of maniacs permanent." "After the first three months of the existence of derangement, the probabilities of cure rapidly diminish, and at the expiration of a year, it is believed that they are not half so great as at first. If continued beyond that time, the diminution progresses, so that of such as have been deranged more than two years, the number that recover is comparatively very small; supposed by some physicians to be about one in thirty; yet hope is left, and cures are sometimes effected of those whose disorder has existed five, ten, and even fifteen years. *It would seem that every consideration of humanity and duty requires a greater practical attention to these important truths.*"

An experienced writer on insanity, says, "It appears to me, that no idea relating to this unfortunate portion of our fellow-beings is more essential to keep before the community, than *the importance of attending to the first indications of insanity, and the immediate adoption of judicious medical and moral treatment*. The records of hospitals establish the fact that insanity is a disease that can be generally cured, if early and properly treated, while it is equally well established, that if the disease is neglected, or suffered to con-

tinue for two or three years it is difficult of remedy. That such should be the result is evident from the nature of the disease. Insanity is a disease of the physical system—a disease of the brain, and the *mental disorder is but one of its symptoms*. Insanity never arises till the *brain*, the *organ* of the mind, becomes affected."

Dr. Rockwell, of the Vermont Asylum says, "It is *very important that the insane should be placed under treatment in the early stages of the disease*."

Dr. Kirkbride expressly urges in his reports of the Pennsylvania Hospital for the Insane, "the exceeding importance under every aspect of the case, of *early, prompt removal* to suitable hospitals; by which large numbers would be restored to health and to society, who now are a burthen to themselves and their friends."

Drs. Allen, Stribbling, Fisher, Butler, Stedman, Galt, and others who conduct the hospitals in the United States, concur in these views, and urge them in all or nearly all the reports which are annually issued from their respective institutions.

In the Ohio State Asylum, 1842, *twenty-five* old cases, suffered to become incurable, had cost to the State and counties \$50,600, while *twenty-five* recent cases, brought under seasonable treatment, had cost but \$1,130, that is, forty-five dollars twenty cents for each individual.

In the Massachusetts State Hospital, *twenty-five* old cases had cost the State \$54,157, while the whole average number of recent cases recovered, cost but *fifty-eight* dollars, *forty-five* cents. Similar facts are exhibited upon the records of other institutions, and we have thus positive demonstration of the usefulness of hospital treatment in the two-fold, but not comparable results of health-restoring, and property-saving advantages.

Surely, if partial deafness, or failing sight, or inflammation upon the lungs assail our friend, we do not rashly defer calling on the physician to aid, by his superior knowledge our own cares, nor do we fail to surround the invalid with all those circumstances which shall seem most likely to control and cure the disease. On the access of fever or pneumonia, we lose no time in applying the most approved remedies, together with the most skilful nursing, yet we venture, with a strange hardihood, to tamper with that delicate organ, the brain, and delay the remedial measures till the case becomes, if not quite hopeless, nearly so. I have paused longer on this topic than I was aware, but its exceeding importance, the influence the decisions of friends and relatives exert on *life and health, and all life's dearest interests*, urge all who have knowledge on this subject, to enforce earnestly and firmly the duty of seasonable attention to appropriate care, and medical treatment for the insane. Numerous and deeply affecting examples of domestic trial, and individual suffering, through ill-judging and ill-judged management of the insane, exist in many private families in Kentucky. These cases not being a *public* charge, and not under official control, I do not feel at liberty to record; but sure I am, that there will be few readers of these pages who will not be able to furnish, through their own recollection, examples which will sustain my position,—examples powerfully appealing to every just and humane sentiment in the community.

Are there not many who will read this page, who, like myself, can recal the lone husband and father wearing out a woful life in the dreary block-house, almost within the shadow of his own roof; 'without clothes, for if he was furnished, he would rend them in pieces; without bed, for if that

was supplied, it would be destroyed; without bathing or shaving, till he resembles the beasts of the forest; without fire, for with it he would burn the building; in a cheerless block-house, for if a less solid structure, he would break through it!"

Are there none who remember the dull victim of melancholy delusions, harrassed by unreflecting neighbors, hurrying away to find refuge from their thoughtless persecutions, beneath the waters of the nigh flowing river? Are there none who recollect the son and brother, swinging his clanking chain within a slight and comfortless cabin, clamoring and hooting at the passers by, vociferous, dangerous, and destitute of all appropriate care; dangerous when at large, and wretched under the weary bondage of his chains? Will none have heard of the delirious epileptic girl, whose troublesome habits and mischievous propensities bring upon her the cutting lash, and who, driven by this merciless discipline, to wilder freaks, and more frequent paroxysms, is an object of deepest pity. These scenes, these hapless conditions of the insane are terrible, but these, and others not dissimilar, are not unusually the result, so much of barbarious dispositions on the part of kindred, (the last case excepted,) as the consequence of ignorance upon the right treatment demanded for the insane, and a failure to *realize* the great sufferings which ill-directed management create and aggravate. Let all, and each, throughout our country, learn the benefits of hospital treatment, and unite to secure these benefits to all the insane, of whatever rank or condition.

The dread of severe measures, in the treatment of the insane in hospitals is passing away from the minds of all who seek information concerning them. In these *the rule of right, and the law of kindness* are known to prevail. Severity and harsh measures of coercion are long since abandoned. Gentleness and persuasion unite with a mild decision, to control the wayward and the perverse, and to quiet the raving maniac.

The good and truly noble St. Vincent de Paul, was the first apostle in this holy work to turn men's thoughts in Europe, to more humane and more rational modes of treatment. With a devotion which no hardships could subdue, he traversed vast regions, and taught men the sublime lesson, that to be humane, was to be allied to Deity. Pinel, in France, carried to this blessed reform the manly tenderness and clear reasonings of his noble heart and intellect; thousands owe to his determined exertions their salvation from a bondage more terrible than death; their recovery of the lapsed powers of the mind; their restoration to reason, to usefulness, and to happiness. England and the United States are far advanced in this humane work; but, all is not done; too much remains to be done; let none supinely rest while such loud calls are raised through the land for the succour of these afflicted beings.

Gentlemen of the Legislature, I ask of you such an appropriation from the State Treasury for the hospital at Lexington, as shall place that, your first and most liberally established institution for the insane, upon a suitable foundation. As this, when completed, will be altogether inadequate to the necessities of your citizens, I ask for the establishment of a new hospital in the Southern, or Green River Country; and to this end, solicit the early adoption of such preliminary measures as shall enable you the next year, rapidly to carry forward and complete that work. The evils of delay are incalculable; they must be obvious; they should not be allowed to increase. I ask, that in the choice of a site for a new hospital, the very important ap-

appropriation of a tract of land of sufficient extent to furnish labor for the patients, and supplies for the institution, may be a first consideration. This should be chosen in a healthful district, command cheerful views, be accessible to and from a shire-town, be of convenient access by good stage-routes and water conveyances from different portions of the State; it should have an ample and unfailing supply of pure water; be so situated as to command fuel at moderate rates; and abundant stores of provisions at reasonable cost. It is worthy of consideration to embrace in this view the advantage of vicinity to a stone-quarry, or to clay strata suitable for the manufacture of brick. I respectfully suggest the appointment of an efficient Board of Commissioners to carry these objects into effect.

Legislators of Kentucky, from the discussions arising out of conflicting interests, and diverse opinions, questions of various weight, and some, possibly, of doubtful advantage; before you shall dissolve this session, consecrate one hour, uninfluenced by selfish aims, local prejudices, or political differences, to the solemn and sacred interests of suffering humanity. United by an exalted motive, be the instruments of a wide spreading happiness, and the creators of enduring benefits. The heart of many a child of misfortune, released from pangs of deep distress, through your just legislation, shall up-bear you daily to the gates of heaven in prayers of gratitude. To use the language of one of our high-souled citizens, "the truest tokens of grandeur in a State are, the diffusion of the greatest happiness among the greatest number; and that God-like Justice which controls the relations of the State to all the people who are committed to its charge." Let your hospitals and your asylums rival your schools and your colleges; so multiply the "links in that golden chain by which Humanity shall connect itself with the throne of God!"

The clarion note of "Kentucky, old Kentucky"!—rings through the land. She claims eminence in her political station amidst the Star-crowned Sisters; she exults in the far told history of her military renown; but there is a moral eminence far transcending political distinctions; and a more glorious renown than is sounded from the trumpet of victorious battles:—bid her to a place in the firmament of heaven; there enthroned by her holy deeds of charity and love, inscribe her name on that scroll of history borne by angels—and sealed by arch-angels for the archives of eternity!

Respectfully submitted,

D. L. DIX.

Frankfort, February, 1846.

APPENDIX.

TABLE showing the comparative expense of supporting old and recent cases of insanity, from which we learn the economy of placing patients in institutions in the early periods of disease; from the report of the Massachusetts State Hospital, for 1843.

No. of old cases.	Present age.	Time insane, in years.	Total expense, at \$100 a year, before entering the hospital, and \$132 a year since; last year \$120.	Number of recent cases discharged.	Present age.	Time insane, in weeks.	Cost of support, at \$2 30 per week.
2	69	28	\$3,212 00	1,622	30	7	\$16 10
7	48	17	2,004 00	1,624	34	20	46 00
8	60	21	2,504 00	1,625	51	32	73 60
12	47	25	2,894 00	1,635	23	28	64 40
18	71	34	3,794 00	1,642	42	40	92 00
19	59	18	2,204 00	1,643	55	14	32 20
21	39	16	1,993 00	1,645	63	36	82 80
27	47	16	1,994 00	1,649	22	40	92 00
44	56	26	2,982 00	1,650	36	28	64 40
45	60	25	2,835 00	1,658	36	14	32 20
102	53	25	2,833 00	1,660	21	16	36 80
133	44	13	1,431 00	1,661	19	27	62 10
176	55	20	2,486 00	1,672	40	11	25 70
209	39	16	1,964 00	1,676	23	23	52 90
223	50	20	2,364 00	1,688	23	11	25 70
260	47	16	2,112 00	1,690	23	27	62 10
278	49	10	1,424 00	1,691	37	20	46 00
319	53	10	1,247 00	1,699	30	28	64 40
347	58	14	1,644 00	1,705	24	17	39 10
367	40	12	1,444 00	1,706	55	10	23 00
400	43	14	1,644 00	1,709	17	10	23 00
425	48	13	2,112 00	1,715	19	40	92 00
431	36	13	1,412 00	1,716	35	48	110 40
435	55	15	1,712 00	1,728	52	55	126 50
488	37	17	1,912 00	1,737	30	33	75 90
		454	\$54,157 00			635	\$1,461 30

From Dr. Awl's reports of the Ohio Institution, we extract the following tables:

In 1841, whole cost of twenty-five old cases,	- - - - -	\$49,248 00
Average, - - - - -	- - - - -	1,969 00
Whole cost of twenty-five recent cases,	- - - - -	1,330 50
Average, - - - - -	- - - - -	52 22
In 1842, whole expense of twenty-five old cases,	- - - - -	\$50,611 00
Average, - - - - -	- - - - -	2,020 00
Whole expense of twenty-five recent cases,	- - - - -	1,130 00
Average, - - - - -	- - - - -	45 20
In this institution, in 1843, twenty old cases had cost,	- - - - -	\$44,782 00
Average cost of old cases,	- - - - -	2,239 10
Whole expense of twenty recent cases, till recovered,	- - - - -	1,308 30
Average cost of recent cases,	- - - - -	65 41
In the Ohio Lunatic Asylum, in 1844, twenty-five old cases had cost,	- - - - -	\$35,464 00
Average expense of old cases,	- - - - -	1,418 56
Whole expense of twenty-five recent cases,	- - - - -	1,608 00
Average expense of recent cases,	- - - - -	64 32
In the Massachusetts State Lunatic Asylum, in 1843, twenty-five old cases had cost,	- - - - -	\$54,157 00
Average expense of old cases,	- - - - -	2,166 20
Whole expense of twenty-five recent cases, till recovered,	- - - - -	1,461 30
Average expense of recent cases,	- - - - -	58 45
In the Maine Lunatic Hospital, in 1842, twelve old cases had cost,	- - - - -	\$25,390 00
Average expense of old cases,	- - - - -	2,108 33
Whole expense of twelve recent cases,	- - - - -	426 00
Average expense of recent cases,	- - - - -	35 50
In the Hospital at Staunton, Va., twenty old cases had cost,	- - - - -	\$41,633 00
Average expense of old cases,	- - - - -	2,081 65
Whole expense of twenty recent cases,	- - - - -	1,265 00
Average expense of recent cases,	- - - - -	63 25

The results of this table are striking, and show conclusively the importance of early admission to the insane hospitals. Other institutions have instituted the same inquiries with similar results.

Ordered, That the Public Printer forthwith print 500 copies of said memorial for the use of the members of this House.

Mr. Hughes moved a reconsideration of the vote rejecting the bill to extend the terms of the Cumberland Circuit Court.

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said bill be referred to the committee on the Judiciary.

Mr. Kelly, from the committee who were appointed to prepare and bring in the same, reported a bill to amend the laws of civil and chancery proceedings; which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Ordered, That said bill be referred to a committee of the whole House for this day.

The House accordingly resolved itself into a committee of the whole, on said bill, Mr. Kelly in the Chair; and after some time spent therein, the Speaker resumed the Chair, when Mr. Kelly reported that the committee had, according to order, had under consideration the bill aforesaid, and had instructed him to report the same to the House, without amendment.

Ordered, That the said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Peters called the attention of the Speaker to the vote of the House on the question of reconsidering the vote by which the resolutions and address for the removal of George W. Kouns, a Justice of the Peace for Carter county, were adopted, and submitted the question as a point of order, whether the Speaker, as there were 34 votes for reconsidering, should not have declared the reconsideration carried, inasmuch as the constitution required two thirds to concur in the adoption of the resolution and address.

The Speaker decided that as the vote stood, upon the question of reconsideration, 34 for, and 51 against, the motion to reconsider was not carried; and that the question of reconsideration in this case, like others, was controlled by the majority of the House.

From this decision of the Speaker, Mr. Peters took an appeal, and the question being put, shall the decision of the Speaker stand as the judgment of the House? it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Hughes and Haggard, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Abbett,	Finnell,	Miller,
Alexander,	Gano,	Murray,
Anthony,	Gardner,	Myers,
Balee,	Glenn,	Orndorff,
Barkley,	Glover,	Orr,
Barlow,	Gore,	Pope,
Barnett,	Haggard,	Priest,
Begley,	Harlan,	Railey,
Botts,	Hardy,	Reid,
Bowling, G.	Hatfield,	Rodman,
Bowling, R. C.	Hay,	Seaton,
Breeden,	Head,	Shawhan,
Brown,	Headley,	Short,
Brooks,	Howell,	Smith, J.
Cessna,	Hughes,	Smith, J. Speed
Clack,	Hunton,	Sparks,
Clarke,	Jackson,	Speed,
Cleaveland,	Johnson, D. B.	Stephens,
Combs, J.	Johnston, A.	Stone, B.
Combs, L.	Jones,	Stone, S.
Cox,	Kelly,	Thomas, A. W.
Darnaby,	Lapsley,	Thurston,
Desha,	Layne,	Walker,
Dudley,	Mason,	Wallace,

Duncan,
Elliott,
Evans,
Fallis,
Ford,

Mayhall,
Mayes,
Maxey,
McCampbell,
McKellup,

Waller,
Wheat,
Whitlock,
Whitsett,
Wortham—87.

Those who voted in the negative, were—

Messrs. Peters,

Stevenson—2.

And then the House adjourned.

THURSDAY, FEBRUARY 12, 1846.

A message was received from the Senate, announcing their concurrence in the amendment proposed by this House, to a bill from the Senate, entitled, an act to change the Anderson and Franklin county line.

That they had disagreed to a bill from this House, entitled, an act for the benefit of Preston F. Samuels.

That they had passed bills from this House, of the following titles, viz:

An act to amend an act to establish the Louisville Bank of Kentucky, and an act to incorporate the Merchants' Louisville Insurance Company.

An act to reduce into one the several acts in relation to the town of Danville, and for other purposes.

An act for the benefit of the heirs of Hubbard B. Smith, deceased.

An act to repeal an act, entitled, an act to amend the act incorporating the town of Columbia, approved February 27, 1844.

An act for the benefit of Jacob White, Sheriff of Fulton county.

An act for the benefit of John Rogers' children.

With amendments to the four last named bills.

That they had passed bills of the following titles, viz:

An act establishing a chancery term of the Clarke Circuit Court.

An act concerning the Barren Circuit Court.

An act to change the time of holding the Caldwell Circuit Court,

An act to reduce the number of Justices of the Peace in Spencer county.

An act to change the venue in the prosecution of Addison, a slave.

An act for the benefit of James C. Price and Mary C. Price.

An act for the benefit of Sabina Turpin, and others.

An act to incorporate the Cook Benevolent Institution.

An act to provide for a change of venue in the prosecution against Enoch Stephens.

An act for the benefit of Joseph S. N. and James M. Dicken.

An act for the benefit of William Smart.

An act regulating the terms of the Louisville Chancery Court, and the Jefferson Circuit Court, and for other purposes.

And had received official information from the Governor, announcing that he had approved and signed enrolled bills which originated in the Senate, of the following titles, viz :

An act providing for a change of venue in the prosecution against Robert Simmons, in the Allen Circuit Court.

An act providing for a change of venue in the prosecution against Henry Green.

An act for the benefit of Albert Allen and Ann E. Allen, his wife.

An act for the benefit of William H. Stephens, and the heirs of Solomon Derossett, deceased.

An act to amend an act, entitled, an act to amend the law regulating appeals from the judgment of Justices of the Peace, approved Dec. 23, 1831.

An act for the benefit of the heirs of Redmond F. Munday.

An act for the benefit of Elijah McWhorter, of Clay county, and William J. Mayo, of Floyd county.

An act to change the names of Amanda Jane Hinds, and others, and for other purposes.

An act for the benefit of Lewis Barrett.

An act requiring certain duties of Justices of the Peace.

Approved February 10, 1846.

1. Mr. Finnell presented the petition of Hiram Norton, of Nicholas county, praying a change in the line between Nicholas and Bourbon counties.

2. Also, the petition of V. B. Oden, praying that a sum of money alledged to have been improperly paid into the Treasury as costs, upon a motion against him for failing to pay the revenue due from Nicholas county, in time, be refunded to him.

3. Mr. Balee presented the petition of sundry citizens of Shelby county, praying an amendment to the laws in relation to pedlers.

4. Mr. Purdom presented the petition of A. F. Henley, praying permission to bring into this State, certain slaves.

5. Mr. Hughes presented the petition of Mary Tolly, praying to be divorced from her husband.

Which were received, the reading dispensed with, and referred, (except the 5th, which was laid on the table,) the 1st to the committee on Propositions and Grievances; the 2d and 3d to the committee on Ways and Means; and the 4th to the committee on the Judiciary.

On motion of Mr. Thurston, leave of absence, until Wednesday next, is granted to Mr. Moore.

Leave was given to bring in the following bills, viz:

On the motion of Mr. Abbett—1. A bill for the benefit of L. Graves, of Gallatin county.

On the motion of Mr. Kelly—2. A bill to repeal the second section of an act declaring certain deeds valid, approved March 2, 1844.

On the motion of Mr. Anthony—3. A bill to revive and amend an act, entitled, an act to incorporate the Louisville, Nashville, and Knoxville Railroad Company.

Ordered, That Messrs. Abbett, Desha, and Hardy prepare and bring in the 1st; the committee on the Judiciary the 2d; and Messrs. Anthony, Brown, and Maxey the 3d.

Mr. Balee, from the committee appointed to prepare and bring in the same, reported a bill to amend an act amending the law incorporating the town of Simpsonville, in Shelby county; which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A bill from the Senate, entitled, an act to change the time of holding the Caldwell Circuit Court, was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. J. Speed Smith moved to suspend the rules in order that the committee on Military Affairs might report a bill providing for compensation to the officers and soldiers who were called out to Clay county, in 1845.

And the question being taken thereon, it was decided in the negative, it requiring three fourths to dispense with the rules.

The yeas and nays being required thereon by Messrs. J. Speed Smith and Cleveland, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,
Messrs. Alexander,
Anthony,
Barkley,
Barlow,
Begley,

Fallis,
Ford,
Finnell,
Gano,
Gardner,
Glenn,

Murray,
Myers,
Orndorff,
Orr,
Railey,
Smith, J. Speed

Brawner,	Haggard,	Sparks,
Cessna,	Hay,	Stephens,
Clarke,	Head,	Stevenson,
Cleaveland,	Hughes,	Stone, B.
Conner,	Hunton,	Stone, S.
Cox,	Kelly,	Thomas, A. W.
Desha,	Lapsley,	Thurston,
Duncan,	Maves,	Wallace,
Elliott,	McKellup,	Wheat—47.
Evans,	Miller,	

Those who voted in the negative, were—

Messrs. Abbett,	Harlan,	Peters,
Bowling, G.	Hardy,	Pope,
Bowling, R. C.	Hatfield,	Priest,
Breeden,	Headley,	Purdom,
Brown,	Howell,	Seaton,
Brooks,	Jackson,	Shawhan,
Clack,	Johnson, D. B.	Smith, E.
Combs, J.	Johnston, A.	Smith, J.
Combs, L.	Jones,	Thomas, W.
Dallam,	Layne,	Walker,
Darnaby,	Mason,	Waller,
Dudley,	Mayhall,	Whitlock,
Glover,	Maxey,	Wortham—41.
Gore,	McC Campbell,	

Mr. R. C. Bowling moved the following resolution, viz:

Resolved, That no member be permitted, during the remainder of the session, to speak longer than half an hour at any one time, or upon any one question.

And the question being taken on adopting the same, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. R. C. Bowling and J. Smith, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Glover,	Orr,
Anthony,	Gore,	Priest,
Barkley,	Hardy,	Purdom,
Barlow,	Hay,	Railey,
Barnett,	Head,	Reid,
Begley,	Headley,	Rodman,
Boits,	Hughes,	Seaton,
Bowling, G.	Hunton,	Shawhan,
Bowling, R. C.	Johnston, A.	Short,
Brawner,	Jones,	Smith, J.
Combs, J.	Kelly,	Speed,
Combs, L.	Lapsley,	Stephens,
Conner,	Layne,	Stone, S.

Dallam,	Mayes,	Thomas, A. W.
Darnaby,	Maxey,	Thomas, W.
Dudley,	McC Campbell,	Thurston,
Duncan,	McKellup,	Walker,
Elliott,	Miller,	Wheat,
Evans,	Murray,	Whitsett
Ford,	Orndorff,	Wortham—61.
Gardner,		

Those who voted in the negative, were—

Mr. Speaker,	Fallis,	Myers,
Messrs. Abbett,	Finnell,	Peters,
Balee.	Gano,	Pope,
Breeden,	Glenn,	Smith, E.
Brown,	Haggard,	Smith, J. Speed
Brooks,	Harlan,	Sparks,
Cessna,	Hatfield,	Stevenson,
Clack,	Howell,	Stone, B.
Clarke,	Jackson,	Wallace,
Cleaveland,	Johnson, D. B.	Waller,
Cox,	Mason,	Whitlock—35.
Desha,	Mayhall,	

Mr. McC Campbell moved a reconsideration of the vote refusing to engross and read a third time, the bill to revive the Lexington and Ohio Railroad Company.

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said bill be referred to Messrs. L. Combs, Cox, Waller, Pope, Reid, Peters, and Stevenson, and that said committee report said bill to this House on Monday next, at 12 o'clock.

Mr. Waller moved a reconsideration of the vote rejecting the bill concerning the Court of Appeals.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Mason and Reid, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Desha,	Peters,
Messrs. Alexander,	Finnell,	Pope,
Begley,	Gano,	Rodman,
Bawner,	Glenn,	Seaton,
Breeden,	Headley,	Shawhan,
Brooks,	Hughes,	Smith, E.
Cessna,	Jackson,	Smith, J. Speed
Clack,	Jones,	Sparks,
Clarke,	Layne,	Stephens,
Cleaveland,	Mayhall,	Stevenson,
Conner,	McKellup,	Waller—35.
Cox,	Orr,	

Those who voted in the negative, were—

Messrs. Abbett,	Gardner,	Murray,
Anthony,	Gore,	Myers,
Balee,	Harlan,	Orndorff,
Barkley,	Hardy,	Priest,
Barlow,	Hatfield,	Purdom,
Barnett,	Hay,	Railey,
Botts,	Head,	Reid,
Bowling, G.	Howell,	Short,
Bowling, R. C.	Hunton,	Smith, J.
Brown,	Johnson, D. B.	Speed,
Combs, J.	Johnston, A.	Stone, B.
Combs, L.	Kelly,	Thomas, A. W.
Dallam,	Lapsley,	Walker,
Darnaby,	Mason,	Wallace,
Dudley,	Mayes,	Wheat,
Duncan,	Maxey,	Whitlock,
Elliott,	McCampbell,	Whitsett,
Evans,	Miller,	Wortham—55.
Ford,		

Mr. Harlan, from the committee on the Judiciary, to whom was referred the bill to repeal the law exempting specific property from execution, and reviving the law exempting two hundred and fifty dollars, reported the same with an amendment.

And after some discussion had thereon, the hour of 12 o'clock arrived, when the House proceeded to the orders of the day.

Mr. Harlan, from the committee on the Judiciary, according to order, reported the bill further to protect the rights of married women, without amendment.

The said bill reads as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the slave or slaves of a married woman shall hereafter, within this Commonwealth, be held and taken to be real estate, in so far, that no slave or slaves, or the increase thereof, which any such married woman had at the time of her marriage, or which may come, descend, or be devised or given to her during her coverture, shall be liable to the debts of her husband, or be attached, levied on, or sold, for his debts or liabilities of any sort or kind, whether such debts or liabilities accrued before or after marriage; nor shall the life estate of the husband, his wife living, be levied on, executed, or sold, for any such debts or liabilities: *Provided, however*, That the slave or slaves of any married woman, owned at the time of her marriage, or which may be acquired by her in any of the modes aforesaid, shall in no case be exempt from the payment of her debts and liabilities, created or arising before marriage; but that such slave or slaves shall, notwithstanding, remain liable to such debts or liabilities, by the appropriate remedy at law or in chancery.

SEC. 2. *Be it further enacted*, That the husband and wife may dispose of the slave or slaves of the wife in the same way that they may, by deed, dis-

pose of the lands of the wife, according to the existing laws; and on the death of the wife, such slave or slaves shall descend to her heirs at law, as lands descend by the laws of this Commonwealth, subject to a life estate of the husband surviving, for his life and no longer.

SEC. 3. *Be it further enacted*, That the lands of no married woman within this Commonwealth, which she may have owned at the time of her marriage, or which may come, or be given, devised or descend to her during the marriage, shall be subject to the debts of the husband, or be levied on, attached, or sold, or executed for any of his debts, created or arising either before or after the marriage: *Provided, nevertheless*, That all such, the lands of the wife, shall be liable and subject to the debts and liabilities of the wife, arising or created before the marriage; but in no case shall the curtesy or life estate of the husband, be sold by process of law, except after the death of the wife, the husband surviving: *Provided*, That husband and wife may sell and convey, or dispose of the lands of the wife, by their deed acknowledged and authenticated, and recorded according to the existing laws.

SEC. 4. *Be it further enacted*, That where the husband shall survive his wife, and so become entitled to the life estate in her slaves, he shall give bond in the Court of the county where he may reside, in a penalty to be approved by the Court, with good security, conditioned not to remove, or permit said slaves, or their increase, to be removed out of this Commonwealth, during the existence of his estate therein; and on his so removing or permitting said slaves, or their increase, to be removed, without first having given such bond and security, he shall forfeit his life estate to such slave or slaves so removed; and such slave or slaves so removed, in regard to which such forfeiture shall have been incurred, shall immediately vest in the heirs at law. That every purchaser of the life estate of the husband, in any such slave or slaves, levied on, attached, and sold, after the death of the wife, shall give bond, within sixty days after such purchase, in the County Court of the county where such slave or slaves shall be sold, with good security, and in a penalty to be approved by the Court, conditioned not to remove such slave or slaves, or their increase, out of this Commonwealth, and to have them forthcoming for the use of the heirs at law, or persons entitled to the remainder in fee, in such slave or slaves; and on failing to give such bond, or on the removal, as aforesaid, without having given such bond, all the right of the purchaser or purchasers in the said slave or slaves, shall cease, and forever be forfeited, and such slave or slaves shall immediately vest in the heirs, remainder-man, or persons entitled to the fee simple: *Provided*, That the Courts of Chancery shall have power to restrain the removal of any such slave or slaves at any time, for good cause shown.

Mr. Glenn moved to amend the bill by adding the following proviso, viz: *Provided*, That nothing in this act shall be so construed as to prevent the collection of the debts now owing by any married man.

Mr. Haggard moved to lay said bill and amendment on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Haggard and Glenn, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barlow,	Elliott,	Howell,
Begley,	Evans,	Johnston, A.
Botts,	Fallis,	McCampbell,
Bowling, R. C.	Gardner,	Miller,
Browner.	Glover,	Orndorff,
Brown,	Haggard,	Reid,
Combs, J.	Hathfield,	Smith, J.
Conner,	Hay,	Stone, B.
Dallam,	Head,	Stone, S.
Dudley,	Headley,	Wortham—30.

Those who voted in the negative, were—

Mr. Speaker,	Glenn,	Priest,
Messrs. Abbott,	Gore,	Railey,
Alexander,	Harlan,	Seaton,
Anthony,	Hardy,	Shawhan,
Balee,	Hughes,	Short,
Barkley,	Jackson,	Smith, E.
Barnett,	Johnson, D. B.	Smith, J. Speed
Bowling, G.	Jones,	Sparks,
Brooks,	Lapsley,	Speed,
Cessna,	Layne,	Stephens,
Clack,	Mason,	Stevenson,
Clarke,	Mayhall,	Thomas, A. W.
Cleaveland,	Mayes,	Thomas, W.
Combs, L.	Maxey,	Thurston,
Cox,	McKellup,	Walker,
Darnaby,	Murray,	Wallace.
Desha,	Myers,	Waller,
Duncan,	Orr,	Wheat,
Ford,	Peters,	Whitlock,
Finnell,	Pope,	Whitsett—61.
Gano,		

Mr. Glenn then withdrew his amendment.

Mr. Hughes moved to amend said bill by a substitute, which was adopted.

Ordered, That said bill, as amended, be engrossed and read a third time.

Mr. Glenn moved that said bill have its third reading now, and it was decided in the affirmative.

The said bill was then read a third time.

Ordered, That said bill be referred to Messrs. J. Speed Smith, Hughes, and Glenn, with instructions to report the same to the House on Monday next, at 10 o'clock, A. M.

Bills from the Senate, of the following titles, viz:

1. An act for the benefit of Wilson Baker.
2. An act to change the Trimble county line.
3. An act to change the name of Hardin Land to Hardin Crawford.

4. An act to establish a portion of the line between the States of Kentucky and Tennessee.

5. An act to legalize the appointment of William W. Stockton, Constable of Green county.

6. An act to establish a road in Madison and Garrard counties.

7. An act for the benefit of Henry St. Phillips.

8. An act concerning the town of Albany, in Clinton county.

9. An act to change the name of William M. Gray to William M. Medlock, and for other purposes.

10. An act for the benefit of Elizabeth Thompson and her infant children.

11. An act to provide for the running and marking the dividing line between the counties of Campbell and Pendleton.

12. An act to amend an act, entitled, an act to amend the several laws of this Commonwealth relative to the duties of Clerks of Courts, approved February 2, 1841.

13. An act for the benefit of Allaniah Cole.

14. An act for the benefit of the Kentucky Institution for the Education of the Blind.

15. An act to incorporate the St. John's Church, at Princeton, in Caldwell county.

16. An act to authorize the County Court of Scott county to borrow money to rebuild the county jail.

17. An act to allow the Marshal of the town of Bowlinggreen to act as Constable in said town, and within one half mile of the same.

18. An act providing for a change of venue in the prosecution against James Lane.

19. An act to amend the act, entitled, an act for the benefit of the Preacher's Aid Society of the Kentucky Conference, approved February 15, 1842.

20. An act to authorize the Clerks of County Courts to administer an oath to witnesses who offer to prove the age of persons applying for marriage license.

21. An act to amend the penal laws.

22. An act to authorize the Trustees of Somerset Academy to sell and convey a lot of ground in the town of Somerset.

23. An act to limit the jurisdiction of the General Court.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 1st, 10th, 12th, 13th, 21st, and 23d were referred to the committee on the Judiciary; the 2d to the committee on Propositions and Grievances; the 3d, 4th, 5th, 6th, 7th, 8th, 9th, 11th, 15th, 16th, 17th, 18th, 19th, 20th, and 22d, were severally ordered to

be read a third time; and the 14th was referred to the committee on the Sinking Fund.

The rule of the House, constitutional provision and third reading of the 3d, 4th, 5th, 6th, 7th, 8th, 9th, 11th, 15th, 16th, 17th, 18th, 19th, 20th, and 22d bill having been dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

And then the House adjourned.

FRIDAY, FEBRUARY 13, 1846.

A message was received from the Senate announcing their concurrence in the amendment proposed by this House, to the resolution from the Senate fixing a day for the adjournment of the General Assembly.

That they had disagreed to a bill from this House, entitled, an act for the benefit of Talitha Easterday.

That they had passed bills from this House, of the following titles, viz:

An act to amend an act, entitled, an act to provide for taking the sense of the people of Mason county, relative to the Seat of Justice of said county, approved 1st February, 1845.

An act to extend the corporate limits of Newport, and for other purposes.

An act for the benefit of Elizabeth Wathen.

An act to legalize certain proceedings of the Bullitt County Court.

An act for the benefit of the Trustees of the town of Carlisle.

An act concerning ferries on the Ohio river.

An act for the benefit of Nancy Eastin.

An act to establish the town of Johnstonville, in Monroe county.

An act providing for a change of venue in the prosecution against Reuben Payne.

An act for the benefit of William P. Mitchell, a lunatic.

An act for the benefit of James Coleman's children.

An act to incorporate the town of Midway, in Woodford county.

An act to amend an act, entitled, an act to incorporate the town of Lancaster.

An act for the benefit of John P. Dorsey, and others, heirs of Greenberry Dorsey, deceased.

An act for the benefit of the devisees of Sarah Crawford, deceased.

An act for the benefit of the devisees of Carter Tadlock, deceased.

An act for the relief of Jane, Marion, and Samuel Walker, infant heirs of Harvey M. Walker, deceased.

An act for the benefit of Thomas Shannon Head.

An act for the benefit of Mary D. Cassady.

An act for the benefit of Joseph W. Wood.

An act to legalize the proceedings of the Estill County Court, held in March, 1845.

An act to change the name of Woodson Clay Gordon to that of Woodson Clay Montgomery.

An act allowing an additional Constable to Nicholas county.

An act to amend the charter of the Covington Fire Company.

An act for the benefit of Samuel Godsey.

An act for the benefit of William W. Bowen and Rachel Gesbet.

An act for the benefit of John D. Howard.

That they had passed bills of the following titles, viz :

An act to authorize the appointment of a Police Judge for the town of Athens, in Fayette county.

An act to incorporate the town of Somerset.

An act to change the name of Wm. Mahan to William Nelson Rice.

An act to amend the road law in Greenup county.

An act for the benefit of Carol Kendrick.

An act to amend an act incorporating the town of Raywick.

1. Mr. Peters presented the petition of B. F. Bourn, Deputy Sheriff of Montgomery county, praying that further time be allowed him to return his delinquent list of muster fines.

2. Mr. Conner presented the petition of sundry citizens of Bath county, praying a change in the place of voting in the Morgan precinct, in said county.

3. Mr. Hunton presented a communication from Col. L. Jouett, suggesting amendments to the laws in relation to mortgages and the relinquishment of dower by *femes covert*.

4. Mr. Hughes presented the petition of sundry citizens of Union county, praying the passage of a law establishment a chancery term of the Union Circuit Court.

5. Mr. J. Smith presented the petition of Thomas D. Helm, and others, praying the passage of a law establishing a town in Breckinridge county.

6. Mr. Abbett presented the petition of the Justices of the Gallatin County Court, praying the passage of a law permitting Lorenzo Graves, a Constable of said county, to reside out of the limits of his district.

7. Mr. Elliott presented the petition of sundry citizens of Pulaski county, praying that an additional Justice of the Peace be allowed to said county.

S. Mr. Myers presented the petition of Moses Scott, praying to be divorced from his wife, Jasamah Scott.

Which were received, the reading thereof dispensed with, and referred, (except the 3d, which was read and laid on the table.) the 1st to Messrs. Peters, Glenn, and Barlow; the 2d to the committee on Privileges and Elections; the 4th to Messrs. Hughes, Mason, and Mayes; the 5th to Messrs. J. Smith, Riley, and Wortham; the 6th to Messrs. Abbett, Desha, and Hardy; the 7th to Messrs. Elliott, Speed, and Rodman; and the 8th to the committee on Religion.

On motion of Mr. D. B. Johnson, leave was given to bring in a bill to district the county of Trimble into Magistrates' Districts.

Ordered, That Messrs. D. B. Johnson, Miller, and Rodman prepare and bring in the same.

Mr. Dallam, from the committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of Jonathan Newcum.

An act for the benefit of the 71st Regiment of Kentucky Militia.

An act to incorporate the Maysville College, and for other purposes.

An act for the benefit of Elizabeth Wathen.

An act to legalize the proceedings of the Estill County Court, held in March, 1845.

An act for the benefit of the devisees of Sarah Crawford, deceased.

An act for the benefit of John P. Dorsey, and others, heirs of Greenberry Dorsey, deceased.

An act for the benefit of the Common Schools in Graves county, and for other purposes.

An act for the benefit of Samuel Godsey.

An act for the benefit of Mary D. Cassedy.

An act to legalize certain proceedings of the Bullitt County Court.

An act concerning ferries on the Ohio river.

An act to amend the charter of the Covington Fire Company.

An act for the benefit of William W. Bowen and Rachel Nesbit.

An act to amend an act, entitled, an act to incorporate the town of Lancaster.

An act for the benefit of the devisees of Carter Tadlock, deceased.

An act to establish the town of Johnstonville, in Monroe county.

An act for the benefit of Nancy Eastin.

An act for the benefit of John D. Howard.

An act to amend an act to establish the Louisville Bank of Kentucky, and an act to incorporate the Merchant's Louisville Insurance Company.

An act for the relief of the administrator of William A. Pendleton, late Clerk of the Kenton Circuit and County Courts.

An act for the benefit of Edward D. Stockton, of Estill county, and others.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Dallam inform the Senate thereof.

After a short time, a message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that he had, on this day, approved and signed said bills.

A bill for the benefit of Samuel F. Taylor, and others, was read the second time, and ordered to be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed.

Resolved, That said bill do pass, and that the title thereof be as afore-said.

Mr. Mayhall, from the committee on the Library, to whom was referred the bill for the benefit of Nathan Marsh, reported the same with an amendment, as a substitute for the bill; which was concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title be amended to read as follows: "an act authorizing the Secretary of State to furnish Justices of the Peace with Morehead & Brown's Digest."

The House again resumed the consideration of the bill to repeal the law exempting specific property from execution, and reviving the law exempting two hundred and fifty dollars.

The amendment proposed to said bill by the committee on the Judiciary, is as follows, viz:

Provided, however, That the amount exempted under said last mentioned act, shall be two hundred dollars instead of two hundred and fifty dollars.

Which was concurred in.

The question was then taken on engrossing and reading said bill a third time, as amended, and decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Dallam and Haggard were as follows, viz:

Those who voted in the affirmative, were—

Mesrss. Abbott,	Harlan,	Reid,
Barkley,	Hughes,	Rodman,
Bowling, G.	Hunton,	Shawhan,
Bowling, R. C.	Johason, D. B.	Smith, E.
Breeden,	Mayhall,	Stephens,
Conner,	Miller,	Stone, B.
Desha,	Orr,	Thurston,

Finnell,
Gano,
Glover,

Pope,
Priest,
Railey,

Wallace,
Whitlock—29.

Those who voted in the negative, were—

Mr. Speaker,
Messrs. Alexander,

Balee,
Barlow,
Barnett,
Begley,
Botts,
Brawner,
Brown,
Brooks,
Cessna,
Clack,
Cleaveland,
Combs, J.
Combs, L.
Cox,
Dallam,
Darnaby,
Dudley,
Duncan,
Elliott,

Evans,
Fallis,
Gardner,
Glenn,
Gore,
Haggard,
Hardy,
Hatfield,
Hay,
Head,
Headley,
Howell,
Jackson,
Johnston, A.
Jones,
Lapsley,
Layne,
Mason,
Mayes,
Maxey,
McCampbell,

McKellup,
Murray,
Myers,
Peters,
Purdom,
Riley,
Seaton,
Short,
Smith, J.
Smith, J. Speed
Sparks,
Speed,
Stevenson,
Stone, S.
Thomas, A. W.
Thomas, W.
Walker,
Waller,
Wheat,
Wortham—62.

Mr. Harlan, from the committee on the Judiciary, to whom was referred a bill from the Senate, entitled, an act to amend an act, entitled, an act to amend the several laws of this Commonwealth relative to the duties of Clerks of Courts, approved February 2, 1841, reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The committee on the Judiciary reported the following bills, viz:

A bill for the benefit of Charles S. Boswell.

A bill for the benefit of the widow and heirs of George M. Bedinger, deceased.

A bill to amend an act, entitled, an act to add a portion of Nicholas to Bracken county, approved February 29, 1844.

A bill providing for a change of venue in the prosecution against Charles Yates.

A bill authorizing the sale of the old Seminary at Bardstown.

A bill to appoint an additional Constable in Kenton and Boone counties.

Which were read the first time, and ordered to be read the second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Harlan, from the committee on the Judiciary, to whom was referred the bill to amend an act, entitled, an act authorizing a settlement with John Tilford, approved February 10, 1845, reported the same without amendment.

The said bill reads as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the second section of an act, entitled, "an act authorizing a settlement with John Tilford," approved the 10th of February, 1845, be so construed as to authorize a *majority* of the persons named in said section, to certify the adjustment as therein ordered.

Mr. Wortham moved to lay said bill on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wortham and Glenn, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Anthony,	Headley,	Shawhan,
Barnett,	Johnson, D. B.	Short,
Begley,	Johnston, A.	Smith, E.
Bowling, G.	Lapsley,	Smith, J.
Cessna,	Layne,	Stone, B.
Conner,	Miller,	Stone, S.
Fallis,	Murray,	Thomas, A. W.
Glenn,	Orr,	Thomas, W.
Hardy,	Peters,	Whitsett,
Hatfield,	Purdom,	Wortham—32.
Head,	Riley,	

Those who voted in the negative, were—

Mr. Speaker.	Duncan,	Mayes,
Messrs. Abbett,	Elliott,	Maxey,
Alexander,	Evans,	McC Campbell,
Balee,	Finnell,	McKellup,
Barkley,	Gano,	Myers,
Barlow,	Gardner,	Pope,
Botts,	Glover,	Priest,
Bowling, R. C.	Gore,	Railey,
Brawner,	Haggard,	Reid,
Breeden,	Harlan,	Rodman,
Brown,	Hay,	Seaton,
Brooks,	Howell,	Smith, J. Speed
Clack,	Hughes,	Sparks,
Clarke,	Hunton,	Speed,

Cleaveland,
Combs, J.
Cox,
Darnaby,
Desha,
Dudley,

Jackson,
Jones,
Kelly,
Mason,
Mayhall,

Stephens,
Walker,
Wallace,
Wheat,
Whitlock—58.

The question being taken on engrossing and reading said bill a third time, it decided in the negative, and so said bill was rejected.

The yeas and nays being required thereon by Messrs. Glenn and Barlow, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Abbett,
Balee,
Barkley,
Begley,
Botts,
Brawner,
Breeden,
Cox,
Dallam,
Darnaby,
Duncan,
Evans,

Finnell,
Glover,
Gore,
Harlan,
Hay,
Hughes,
Hunton,
Jackson,
Jones,
Kelly,
Mason,

Mayhall,
Mayes,
McKellup,
Myers,
Pope,
Smith, J. Speed
Sparks,
Stephens,
Wallace,
Waller,
Wheat—34.

Those who voted in the negative, were—

Mr. Speaker,
Messrs. Alexander,
Anthony,
Barlow,
Barnett,
Bowling, G.
Brown,
Brooks,
Cessna,
Clack,
Cleaveland,
Combs, J.
Conner,
Desha,
Dudley,
Elliott,
Fallis,
Gano,
Gardner,

Glenn,
Haggard,
Hardy,
Hatfield,
Head,
Headley,
Howell,
Johnson, D. B.
Johnston, A.
Lapsley,
Layne,
Maxey,
McCampbell,
Miller,
Murray,
Orr,
Peters,
Priest,
Purdom,

Railey,
Reid,
Riley,
Rodman,
Seaton,
Shawhan,
Short,
Smith, E.
Smith, J.
Speed,
Stevenson,
Stone, B.
Stone, S.
Thomas, A. W.
Thomas, W.
Walker,
Whitlock,
Whitsett,
Wortham—57.

The House then resolved itself into a committee of the whole, on the bill to incorporate the Licking and Lexington Railroad Company, Mr. E. Smith in the Chair; and after some time spent therein, the Speaker resumed

the Chair, when Mr. E. Smith reported that the committee had, according to order, had under consideration the bill aforesaid, and had adopted sundry amendments to said bill, which he handed in at the Clerk's table.

The said amendments were then concurred in.

Ordered, That said bill, as amended, be engrossed and read a third time.

Mr. Thurston moved that said bill have its third reading now, and it was decided in the affirmative.

The said bill was then read a third time as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That all persons who shall become stockholders, pursuant to this act, in the Company hereby authorized, shall be, and are hereby, made a body corporate, under the name of "The Licking and Lexington Railroad Company," with power to construct and maintain a railway, with a double or single tract, with such appendages as may be deemed necessary for the convenient use of the same, commencing at any eligible point in or near the town of Newport, in Campbell county, or Covington, in Kenton county, thence by the most practicable route, through or near Falmouth, Cynthiana, and Paris, to the city of Lexington, and such point therein as may be agreed on by the Directors of said road, and the City Council of Lexington.

SEC. 2. The capital stock of said Company shall be one million of dollars, to be increased if necessary to complete the road, and purchase the necessary depots at each end, and along the line of the road; which capital stock shall be divided into shares of fifty dollars each, and be deemed personal property.

SEC. 3. Richard Hawes, James M. Arnold, and Jeremiah Duncan, of Bourbon county; Henry Duncan, Robert S. Todd, Benjamin Gratz, Leslie Combs, and John B. Tilford, of Lexington; Lucius Desha, Joseph Shawhan, and Wm. K. Wall, of Harrison county; and John B. Casey, John S. Finley, Charles A. Withers, Herman J. Groesbeck, John Mackoy, and George M. Southgate, of Kenton county; and S. Thos. Hauser, A. Robbins, Richard Mullins, and Ruben McCarty, of Pendleton county; James Taylor, Jr., Samuel Winston, Wm. B. Ross, Isaiah T. Hayman, James M. McArthur, F. A. Miller, Benjamin D. Beall, and Robert Air, of Campbell county, shall be Commissioners for receiving subscriptions to the capital stock of the corporation, agreeably to the provisions of this act.

SEC. 4. It shall be the duty of said Commissioners, within twelve months after the passage of this act, to give notice in one or more papers in Covington, Lexington, Cincinnati, Paris, and in such other papers as may be deemed proper, once in a week for three weeks in succession, of the time of opening books for the subscription to said stock; and they shall open books at Lexington, Paris, Cynthiana, Falmouth, Newport, Cincinnati, Ohio, and such other places as they may deem fit, at each of which places, one or more of said Commissioners shall attend, on the day fixed, and for three days successively; and during at least six hours of each day, shall continue to receive subscriptions to the capital stock of said corporation, from all persons or companies who will subscribe thereto, in conformity with the provisions of this act.

SEC. 5. Each subscriber, at the time he subscribes, shall pay to the Commissioners five dollars on each share of the stock subscribed by him.

SEC. 6. If, at the expiration of the time mentioned in the 4th section of this act, it shall appear that more than the requisite number of shares have been subscribed, it shall be the duty of the Commissioners to distribute the same among the subscribers, deducting the excess from the largest sums subscribed; and if, at the expiration of said time, the amount subscribed be less than two hundred and twenty five thousand dollars, the Commissioners shall take further measures to fill the subscriptions to that amount, when the books shall again be closed.

SEC. 7. As soon as may be, after the closing of the books, the Commissioners shall give notice of the time and place at which a meeting of the stockholders will be held for the choice of Directors; such notice shall be published in one or more papers of general circulation, as may be along the line or route of said road, and in the newspapers first above referred to, as may be deemed proper. At the time and place appointed for such election, the Commissioners, or some of them, shall attend; and the stockholders or their proxies duly appointed, in writing, and their certificate recorded in the books of the corporation, shall be evidence of the election of the Directors therein named. All subsequent elections shall be conducted in the manner prescribed by the by-laws of said corporation.

SEC. 8. Each stockholder shall be allowed as many votes as he owns shares of stock, at the commencement of any election of Directors, and a plurality of votes shall determine the choice.

SEC. 9. Their Directors shall hold their offices for one year, and until others shall be elected in their stead; they shall appoint one of their number President, and some suitable person as Secretary of the corporation; they shall, moreover, appoint all such officers and agents as the convenience of the Company may require.

SEC. 10. The Directors shall have power to cause such examinations and surveys of the route for said railroad to be made, as may be necessary to the selection, by them, of the most advantageous line, course, or way, for said road; and the Board of Directors shall, as soon thereafter as practicable, select the route on which said road shall be constructed.

SEC. 11. The corporation is hereby empowered to purchase, receive, and hold, such real estate as may be necessary and convenient in accomplishing the object for which the corporation is granted: and may, by their agents, engineers, and surveyors, enter upon such route, place or places selected, as aforesaid, by their Directors, as the line whereon to construct the said railroad; and it shall be lawful for the said corporation to enter upon, and take possession of, and use all such lands and real estate as may be necessary for the construction and maintenance of said railroad, and the accommodations requisite to, and appertaining unto them; and may also receive, hold, and take, all such voluntary grants and donations of land and real estate as may be made to said corporation, to aid in the construction, maintenance, or accommodation of said road or ways; but all lands or real estate, thus entered upon and used by said corporation, and all earth, timber, gravel, and other materials, needed by said Company, shall be purchased of the owners thereof, at a price to be mutually agreed upon between them; and in case of any disagreement of the owner, as to the price of any lands or materials so required for said road, or if the owners are under any disability in law, to contract, or are absent from the county, application may be made, either by said owners or by said corporation, to any Judge of Circuit Court, or any

Justice of County, Court, within which said lands or materials may be, specifying the lands or materials so required, or already appropriated, and thereupon, said Judge or Justice shall issue his warrant, in writing, directed to the Sheriff of the county, requiring him to summon an inquest of twelve freeholders of the county, who shall not be stockholders, nor interested therein, to appear at, or near said lands or materials to be valued, on a day named in said warrant, not less than five, nor more than ten days after issuing the same; and if any of the persons do not attend, the said Sheriff shall forthwith summons as many as may be necessary to fill said inquest; and the persons so empannelled shall, on their oaths or affirmations, value the damages which the several owners will sustain by the use or occupation of the lands, or materials, or property required by said Company; and said inquest shall reduce their valuation to writing, and such valuation, when paid or tendered to said owners, or deposited in any specie paying Bank to their credit, or their proper representatives, shall entitle said Company to the materials, use and occupation of said land, for the purposes of said road, and all estate and interest therein, as fully as if it had been conveyed by the owners of the same; and every Sheriff and freeholder so acting shall receive one dollar per day for his services, to be paid by said Company; either party may, within ten days after such valuation is made, appeal from the same to the Circuit Court of the county, by giving notice thereof to the opposite party, or by filing in the Clerk's office a copy of such valuation, with notice thereto annexed; and said Court may, for good cause shown, order a new valuation, and on final hearing, the Court shall award costs according to equity.

SEC. 12. Whenever it shall be necessary, for the construction of the railroad to intersect or cross any stream of water, or water course, or any road or highway lying in or across the route of said road, it shall be lawful for the corporation to construct the said railway across or upon the stream; but the corporation shall restore the stream, or water course, or road, or highway thus intersected, to its former state, or in a sufficient manner not to impair its usefulness; and if said corporation, after having selected a route for said railway, find any obstacle to continuing said location, either by the difficulty of construction, or procuring right of way at a reasonable cost, or whenever a better and cheaper route can be had, it shall have authority to vary the route and change the location.

SEC. 13. The said corporation shall have power to locate and construct branch roads from the main route, to other towns or places in the several counties through or near which said road may pass.

SEC. 14. It shall be lawful for the Directors to require payment of the sums to be subscribed to the capital stock, at such time and in such instalments as they shall see fit; and if instalments remain unpaid for sixty days after the time of payment has elapsed, the Board may collect the same by suit, or shall have power to sell the stock at public auction, for instalments then due, (giving twenty days notice of the time and place of sale, by advertisement in a newspaper in general circulation in the county where such sale is to be made,) and costs of making said sale, and the residue of the price obtained shall be paid over to the former owner.

SEC. 15. That said Company may demand and receive for tolls upon, and transportation of goods, produce, merchandise, or property of any kind whatsoever, by them along said railway, any sum not exceeding the following

rates: on all goods, merchandize, or property of any description, transported by them, a sum not exceeding one and one-half cents per mile for toll; five cents per ton, per mile, for transportation; and for the transportation of passengers, not exceeding three cents per mile, for each passenger.

SEC. 16. The State shall have the right, at any time after the expiration of thirty five years from the passage of this act, to purchase and hold said railroad for the use of the Commonwealth, at a price not exceeding the original cost for the construction of the road, and the necessary and permanent fixtures thereto at the time of the purchase, and fifteen per centum thereon; of which cost an accurate statement, in writing, shall be submitted to the Legislature, duly attested by the oath of the officers of said Company, if required by the Legislature.

SEC. 17. If the subscribers to the Company hereby created, shall not become so far organized as to elect a Board of Directors within two years from the passage of this act, and within eighteen months thereafter make *bona fide* contracts for the construction of at least one fifth of said road, the privileges of said corporation shall cease, and this act be void; and if said Company shall not complete said road within ten years, the further privilege of constructing the same shall also cease and revert to the State.

SEC. 18. That any other Railroad Company which has been, or may hereafter be chartered by law of this State, may join and connect any railroad with the road hereby contemplated, and full right and privilege is hereby reserved to the State, or individuals, or any company incorporated by law of this State, to cross this road: *Provided*, That in so crossing, no injury shall be done to the works of the Company hereby incorporated, on such terms as said Company may agree, and on payment of the proper tolls, to have their cars drawn on the road hereby authorized, by the Licking and Lexington Railroad Company, without delay and without unlading; the said Licking and Lexington Railroad Company to furnish the motive power at a reasonable price.

SEC. 19. The Directors of said Company shall, semi-annually, make and declare a dividend of the profits arising from the business of the Company, after deducting their present liabilities, and the current and probable contingent expenses, and divide the same among the stockholders, in proportion to the number of their respective shares.

SEC. 20. That when any vacancy shall occur in the Board of Directors of the Licking and Lexington Railroad Company, by death, resignation, or other cause, the Board remaining, shall have power to fill such vacancy; and the person or persons so appointed, shall continue in office until the next annual election for Directors of said Company.

SEC. 21. That the said Licking and Lexington Railroad Company, so formed as aforesaid, shall have perpetual succession of members, may have a common seal, may sue and be sued, plead and be impleaded, in any Court of law or equity, and may make all such rules, regulations, and by-laws as are necessary for the government of the corporation, or effecting the object for which it is created: *Provided*, Such rules, regulations, and by laws shall not be repugnant to the laws and constitution of this State, or of the United States.

SEC. 22. That if any person or persons shall wilfully and maliciously injure the said road, or any building, machine, or other works of said corporation appertaining thereto, the person or persons so offending shall forfeit and

pay to the said corporation double the amount of damages sustained by means of such offence, injury, or obstruction, to be recovered in the name of said corporation, and with costs of suit, in any Court having cognizance thereof, and shall also be subject to indictment in the Circuit Court in the county where the offence was committed; and upon conviction, shall be punished by fine, not exceeding three hundred dollars, or imprisonment not exceeding sixty days, or both, at the discretion of the Court.

Mr. Hardy moved to amend said bill by adding thereto the following engrossed clause, by way of rider, viz:

Provided, The Legislature reserves the right to lay and collect a tax of not over one cent per mile on each passenger, and not over two cents per ton per mile, for all freight, when the dividends declared shall reach six per cent.

Mr. S. Stone moved to lay said bill and amendment on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Desha and Stevenson, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Abbett,	Harlan,	Purdom,
Balee,	Hardy,	Reid,
Barkley,	Hatfield,	Riley,
Barlow,	Hay,	Rodman,
Barnett,	Head,	Short,
Begley,	Headley,	Smith, J.
Botts,	Howell,	Sparks,
Bowling, G.	Hunton,	Speed,
Browner,	Johnston, A.	Stone, B.
Brown,	Kelly,	Stone, S.
Cessna,	Lapsley,	Thomas, A. W.
Clarke,	Layne,	Thomas, W.
Combs, J.	Mason,	Walker,
Dudley,	Mayes,	Wallace,
Elliott,	Maxey,	Wheat,
Fallis,	McCampbell,	Whitlock,
Gardner,	Murray,	Whitsett,
Gore,	Orndorff,	Wortham—56.
Haggard,	Priest,	

Those who voted in the negative, were—

Mr. Speaker,	Darnaby,	Myers,
Messrs. Alexander,	Desha,	Peters,
Anthony,	Duncan,	Pope,
Bowling, R. C.	Finnell,	Seaton,
Breeden,	Gano,	Shawhan,
Brooks,	Glenn,	Smith, E.
Clack,	Glover,	Smith, J. Speed
Cleveland,	Hughes,	Stevens,

Combs, L.
Conner,
Cox,

Jones,
McKellup,
Miller,

Stevenson,
Thurston,
Waller—33.

A message was received from the Senate, by Mr. Butler, announcing that they had adopted a resolution for correcting an error in the act to establish the University of Louisville.

The said resolution was taken up, twice read, and concurred in.

Whereupon the Speaker appointed Messrs. Dallam and Stevenson the committee on the part of this House.

And then the House adjourned.

SATURDAY, FEBRUARY 14, 1846.

A message was received from the Senate, announcing the passage of a bill from this House, entitled, an act for the benefit of Charles S. Boswell.

That they had adopted a resolution fixing a day for the election of public officers.

And had passed bills of the following titles, viz:

An act to amend the law regulating the election of Trustees of the town of Port Oliver, in Allen county, and the town of Hopkinsville.

An act for the benefit of the Reformed Baptist Church of Slate run, in Bath county.

An act for the divorce of Mary E. Herndon and Reuben Herndon.

An act for the benefit of Maria T. Taylor.

1. Mr. Fallis presented the petition of the citizens of Port Royal, in Henry county, praying a change in the location of an alley in said town.

Which was received, the reading dispensed with, and referred to Messrs. Fallis, Myers, and Priest.

Mr. L. Combs, to whom was referred the bill to regulate the appointment and duties of Commissioners of Tax, reported the same with an amendment.

Ordered, That said bill, and amendment, be made the special order of the day for Monday next, at 3 o'clock, P. M.

Mr. L. Combs, from the same committee, to whom was referred a bill from the Senate, entitled, an act for the benefit of the County Court Clerks of Floyd and Pike counties, reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,]

Resolved, That said bill do pass; and that the title thereof be as afore-said.

Mr. Dallam, from the committee on Enrollments, reported that the committee had examined enrolled bills and a resolution which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act to provide for the running and marking the dividing line between the counties of Campbell and Pendleton.

An act to change the time of holding the Caldwell Circuit Court.

An act to change the Anderson and Franklin county line.

An act to authorize the Trustees of Somerset Academy to sell and convey a lot of ground in the town of Somerset.

An act to amend the act, entitled, an act for the benefit of the Preacher's Aid Society of the Kentucky Conference, approved February 15, 1842.

An act to allow the Marshal of the town of Bowlinggreen to act as Constable in said town, and within one half mile of the same.

An act to authorize the County Court of Scott county to borrow money to rebuild the county jail.

An act to incorporate the St. John's Church, at Princeton, in Caldwell county.

An act to authorize the Clerks of County Courts to administer an oath to witnesses who offer to prove the age of persons applying for marriage license.

An act for the benefit of Henry H. Phillips.

An act to establish a road in Madison and Garrard counties.

An act to change the name of William M. Gray to William M. Medlock, and for other purposes.

An act to change the name of Hardin Land to Hardin Crawford.

An act to legalize the appointment of William W. Stockton, Constable of Green county.

An act providing for a change of venue in the prosecution against James Lane.

An act concerning the town of Albany, in Clinton county.

A resolution for correcting an error in an act to establish the University of Louisville.

And bills which originated in this House, of the following titles, viz:

An act for the benefit of the Trustees of the town of Carlisle.

An act to reduce into one the several acts in relation to the town of Danville, and for other purposes.

An act providing for a change of venue in the prosecution against Reuben Payne.

An act for the benefit of William P. Mitchell, a lunatic.

An act for the benefit of Thomas Shannon Head.

An act for the relief of Jane, Marion, and Samuel Walker, infant heirs of Harvey M. Walker, deceased.

An act to change the name of Woodson Clay Gordon to that of Woodson Clay Montgomery.

An act for the benefit of Joseph W. Wood.

An act for the benefit of James Coleman's children.

An act allowing an additional Constable to Nicholas county.

An act for the benefit of Charles S. Boswell.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Dallam inform the Senate thereof.

Mr. McKellup, from the committee appointed to prepare and bring in the same, reported a bill for the benefit of jurors before Justices of the Peace; which was read the first time.

And the question being taken on reading said bill a second time, it was decided in the negative, and so the said bill was rejected.

Mr. J. Speed Smith, from the committee appointed to prepare and bring in the same, reported a bill authorizing the construction of additional Locks and Dams on the Kentucky river; which was read the first time.

Ordered, That the further consideration of said bill be postponed until Monday next.

Mr. J. Speed Smith, from the committee on Banks, made the following report, viz:

[*For Report—see Legislative Documents.*]

Ordered, That the Public Printer forthwith print 150 copies of said report for the use of the members of the General Assembly.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. Anthony—1. A bill to revive and amend an act, entitled, an act to incorporate the Louisville, Nashville and Knoxville Railroad Company.

By same—2. A bill for the benefit of Benjamin Haydon and John Fleming.

By same—3. A bill for the benefit of Alexander M. Rigg.

By Mr. G. Bowling—4. A bill to change and more particularly define the county line between the counties of Perry and Breathitt.

By same—5. A bill authorizing the Trustees of the town of Jackson to change an alley in said town.

By same—6. A bill to amend an act permitting James Johnson to erect a mill dam across the Middle Fork of the Kentucky river.

- By same—7. A bill to abolish an election precinct in Morgan county.
- By Mr. Abbett—8. A bill for the benefit of L. Graves, of Gallatin county.
- By same—9. A bill for the benefit of several County Courts.
- By Mr. Haggard—10. A bill for the benefit of the County Courts of Cumberland and Boyle.
- By same—11. A bill to incorporate the town of Burksville, and for other purposes.
- By Mr. Begley—12. A bill to reduce the number of Justices in Perry county.
- By Mr. B. Stone—13. A bill to establish an election precinct in Owsley county.
- By Mr. Sparks—14. A bill to run the county line between the counties of Knox and Harlan.
- By Mr. Brown—15. A bill for the benefit of S. J. Poston, late Sheriff of Hardin county.
- By same—16. A bill to regulate the time of holding the County Court of Larue.
- By Mr. Peters—17. A bill for the benefit of the Sheriff of Montgomery.
- By same—18. A bill for the benefit of John W. Carter.
- By Mr. Waller—19. A bill for the benefit of the Common Schools in the city of Maysville and Carroll county, and for other purposes.
- By Mr. Elliott—20. A bill to allow an additional Justice of the Peace to Pulaski county.
- By Mr. Hughes—21. A bill to enlarge the powers and jurisdiction of the Police Judge of the town of Morganfield, and for other purposes.
- By same—22. A bill to authorize the County Court of Union to sell a part of the public square in Morganfield.
- By same—23. A bill to establish a chancery term of the Union Circuit Court, and to change the terms of the Boyle Circuit Court.
- By same—24. A bill for the benefit of Benedict W. Drury's executor.
- By Mr. D. B. Johnson—25. A bill to provide for districting the county of Trimble into Magistrates' districts.
- By same—26. A bill to regulate the spring terms of the Trimble Circuit Court.
- By same—27. A bill to provide for taking up property afloat on any of the rivers in this Commonwealth.
- Which were read the first time, and ordered to be read a second time.
- The rule of the House, constitutional provision and second reading of said bills having been dispensed with, the 2d, 3d, 4th, 5th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22d, 23d, 24th, 25th, and 26th were severally ordered to be engrossed and read a third time; the 1st and 6th were referred to the committee on Internal Improvement; and the 27th to the committee on the Judiciary.

The rule of the House, constitutional provision and third reading of the 2d, 3d, 4th, 5th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22d, 23d, 24th, 25th, and 26th bills having been dispensed with, and the same being engrossed.

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

On the motion of Mr. Cox,

Resolved, That after this day, during the present session, this House will meet at 9 o'clock, A. M. take a recess at half past one o'clock, and meet again at half past two o'clock.

On motion of Mr. Clarke,

Ordered, That leave of absence, for the remainder of the session, be granted to Mr. Head.

A bill from the Senate, entitled, an act for the benefit of William Smart, was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with,

The question was then taken on the passage of said bill, and decided in the negative, and so said bill was disagreed to.

A bill from the Senate, entitled, an act allowing an additional Constable to Marion county, was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

The said bill was amended.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be amended to read as follows, viz: "an act allowing an additional Constable to Marion and Nelson counties."

A bill from the Senate, entitled, an act to amend an act, entitled, an act to amend an act incorporating the Louisville and Mississippi Railroad Company, and to promote the construction of a Railroad between said city and river, was read a third time.

The said bill was then amended, by adding thereto an engrossed clause, by way of rider.

Ordered, That said bill, as amended, be referred to the committee on Internal Improvement, with instructions to report the same to the House on Wednesday next, at 10 o'clock, A. M.

A bill from the Senate, entitled, an act to amend the act concerning slaves, approved February 5, 1845, and for other purposes, was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with, it was referred to the committee on the Judiciary, with instructions to report the same to the House on Wednesday next, at 11 o'clock, A. M.

Bills from the Senate, of the following titles, viz:

An act for the benefit of William Ramsey, Elisha Gardner, and John B. Cobb.

An act to incorporate the Calliopean Society of Murray,
Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with,

The said bills were then amended.

Ordered, That the said bills, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as afore-said.

Bills from the Senate of the following titles, viz:

1. An act concerning the town of Glasgow.
2. An act for the benefit of Catharine H. Willis and her infant children.
3. An act concerning Turnpike Roads.
4. An act for the benefit of the widow and heirs of Samuel Howard, deceased.
5. An act to change the name of Susan Baker.
6. An act to authorize the Trustees of Cadiz to sell a part of a street in said town.
7. An act to amend the charter of the town of Keene, in the county of Jessamine.
8. An act for the benefit of Mary N. Gwynn.
9. An act for the benefit of the Christian Church in Winchester, Clarke county.
10. An act for the benefit of the Methodist Episcopal Church, South, in Hopkinsville.
11. An act for the benefit of Elizabeth Williams.
12. An act for the benefit of James Pittman.
13. An act to change the name of the town of Landing, in Boone county, to that of Hamilton, and to appoint Trustees for said town.
14. An act for the benefit of William F. Colston and Mary E. Colston.
15. An act for the benefit of Ann Elizabeth Long.
16. An act for the benefit of James Dilly, of Barren county.
17. An act to divorce Ann Elizabeth Holtzclaw.
18. An act to incorporate the Campbell Turnpike Road Company.

19. An act for the benefit of the citizens living on the Owingsville and Big Sandy Turnpike Road.

20. An act for the benefit of the School Commissioners of Carroll county.

21. An act for the benefit of the Sheriff of Shelby county.

22. An act for the benefit of the Sheriff of Laurel county.

23. An act providing for the support of an additional number of pupils in the Deaf and Dumb Asylum at Danville.

24. An act allowing Martin Fugate, late Sheriff of Pendleton county, further time to return his delinquent lists of muster fines, and for other purposes.

25. An act establishing a chancery term of the Clarke Circuit Court.

26. An act concerning the Barren Circuit Court.

27. An act to reduce the number of Justices of the Peace in Spencer county.

28. An act to change the venue in the prosecution of Addison, a slave.

29. An act for the benefit of James C. Price and Mary C. Price.

30. An act to incorporate the Cook Benevolent Institution.

31. An act to provide for a change of venue in the prosecution against Enoch Stephens.

32. An act for the benefit of Joseph S. N. and James M. Dicken.

33. An act for the benefit of Sabina Turpin, and others.

34. An act to amend an act incorporating the town of Raywick.

35. An act for the benefit of Carol Kendrick.

36. An act to amend the road law in Greenup county.

37. An act to change the name of Wm. Mahan to William Nelson Rice.

38. An act to authorize the appointment of a Police Judge for the town of Athens, in Fayette county.

39. An act to amend the law regulating the election of Trustees in the town of Port Oliver, in Allen county, and the town of Hopkinsville.

40. An act for the divorce of Mary E. Herndon and Reuben Herndon.

41. An act for the benefit of Maria F. Taylor.

42. An act to incorporate the town of Somerset.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills (except the 15th,) having been dispensed with, the 1st, 2d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 16th, 17th, 18th, 20th, 21st, 22d, 23d, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32d, 33d, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, and 42d, were severally ordered to be read a third time; and the 3d and 19th were referred to the committee on Internal Improvement.

The rule of the House, constitutional provision and third reading of the 1st, 2d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 16th, 17th, 18th, 20th, 21st, 22d, 23d, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st,

32d, 33d, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, and 42d bills having been dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A bill to incorporate the South Frankfort Bridge Company, was read the second time, and ordered to be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Leave was given to bring in the following bills, viz:

On the motion of Mr. B. Stone—1. A bill for running and marking the county line between Estill and Owsley.

On the motion of Mr. Gano—2. A bill to reduce the number of Justices of the Peace in Scott county.

On the motion of Mr. Anthony—3. A bill for the benefit of Elizabeth Williams, of Allen county.

Ordered, That Messrs. B. Stone, Hunton, and Hatfield prepare and bring in the first; the committee on the Judiciary the 2d; and Messrs. Anthony, Brown, and Haggard the 3d.

Mr. J. Smith presented the petition of Thomas McGill, praying that an election precinct, in Breckinridge county, may be dissolved; which was received, the reading dispensed with, and referred to Messrs. J. Smith, Speed, and Mayhall.

And then the House adjourned.

MONDAY, FEBRUARY 16, 1846.

A message was received from the Senate, announcing their disagreement to bills from this House, of the following titles, viz:

An act divorcing Joseph W. Tate from his wife, Mary C. Tate.

An act for the benefit of the Sheriff of Whitley county.

That they had passed bills from this House, of the following titles, viz:

An act for the benefit of Joseph B. O'Rear.

An act for the benefit of certain Sheriffs.

An act for the benefit of William B. Howard.

An act to authorize the Trustee of the Craddock Fund to surrender his trust, and to constitute a permanent board to manage the same.

That they had adopted a resolution concerning a Geological Survey.

That they had passed bills of the following titles, viz:

An act to incorporate the Commissioners of the Sinking Fund of Kentucky.

An act for the benefit of certain Sheriffs.

An act to establish precincts in Franklin county.

An act to establish and improve a State road from James Carlton's ferry, in Boone county, to intersect the Covington and Lexington Turnpike Road.

An act requiring Sheriffs to execute bond in double the amount of the revenue collected.

And had received official information from the Governor, that he had approved and signed a resolution which originated in the Senate, for correcting an error in an act to establish the University of Louisville.

Approved February 14, 1846.

1. Mr. E. Smith presented the petition of John Evans, praying that provision may be made for the support of his son, John C. Evans, who is helpless.

2. Mr. Stephens presented the petition of Wm. W. Garnett, praying that his infant child may be legitimized.

3. Mr. A. Johnston presented the petition of sundry citizens of Calloway county, praying an extension of the limits of the Constable's district including the town of Murray, and for other purposes.

4. Mr. Harlan presented the petition of P. F. Hansbraugh, guardian of Mary E. Johnson, praying the passage of a law authorizing a sale of certain real estate belonging to his ward.

Which were received, the reading dispensed with, and referred, the 1st to the committee of Ways and Means; the 2d to Messrs. Stephens, Stevenson, and L. Combs; the 3d to Messrs. A. Johnston, Mayes, and Dallam; and the 4th to the committee on the Judiciary.

A message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that he had approved and signed enrolled bills which originated in this House, of the following titles, viz:

An act for the benefit of Thomas Shannon Head.

An act for the benefit of the Trustees of the town of Carlisle.

An act for the benefit of Joseph W. Wood.

An act to change the name of Woodson Clay Gordon to that of Woodson Clay Montgomery.

An act for the benefit of James Coleman's children.

An act for the relief of Jane, Marion, and Samuel Walker, infant heirs of Harvey M. Walker, deceased.

An act providing for a change of venue in the prosecution against Reuben Payne.

An act for the benefit of Charles S. Boswell.

An act allowing an additional Constable to Nicholas county.

An act for the benefit of William P. Mitchell, a lunatic.

An act to reduce into one the several acts in relation to the town of Danville, and for other purposes.

Approved February 16, 1846.

Mr. Hunton, from the committee appointed for that purpose, made the following report, viz:

The select committee raised by the resolution submitted to this House on the 5th January, and adopted, beg leave, through its Chairman, to make the following report: They have had but two meetings, at both of which no witnesses were examined except from the Congressional District of their Chairman, and one from the city of Lexington. At their first meeting, the Hon. B. J. Peters, of this House, and Newton P. Reed, of Montgomery county, were examined. Mr. Reed stated that, as far back as he could recollect, it had been customary for the office of Sheriff to be sold to Deputies, in his county, and that the market price of it is from \$1,000 to \$1,200; that common rumor is, that Jas. G. Hazlerigg, the present Clerk of the Circuit Court in said county, gave Jas. Howard, the former Clerk, four or five thousand dollars to resign his office. Mr. Hazlerigg was also before your committee, at its subsequent meeting, and when that question was put to him, refused to answer it. Mr. Reed further stated, that the County Court Clerk's office was, at present, leased out for four years, at \$250 a year; and also, that it is a custom for the County Court of Montgomery, not to give office of any kind, to any one differing in political sentiment with a majority of said Court. Mr. Peters also stated, that it was a common practice with his County Court, to give the small offices in their gift, to men of the same political sentiments with themselves; and further, that he did not believe that Judge Farrow knew of any contract between the former and present Clerks of the Circuit Court, that the present Clerk was highly recommended to him. John A. Crawford, of Montgomery, states that he has acted as Deputy Sheriff more than six years: that he bought the office a part of the time by himself, and a part in connection with some others; that he bought the office of John A. Franklin, with whom there was an express understanding, before he got it, that he was to resign, and that he, said Crawford, was to get the appointment. He also states, that not long since, his County Court turned out a man well qualified, and who had made an excellent officer, and put in his stead one whom he did not consider well qualified; the one turned out was a Whig the other a Democrat. The County Court of Montgomery consists of 18 or 19 Justices, all of whom, except two, are Democrats. In reply to a question by Mr. Peters, he stated that the Magistrates of his county were generally correct, clever men, most of them members of some Church. P. B. Winn, Esq., of Clarke county, stated that the emoluments of the office of Sheriff, from principal to deputy, had, with a few exceptions, been an object of bargain and sale in that county, according to his understanding, with but few exceptions, and that the common market price for the last twenty years, has been from six to twelve hundred dollars.

A. R. Ringo stated, that he had always lived in Montgomery county until last May, at which time he came to Clarke; that the cause of his removal was, that he and Mr. A. J. Divine had farmed the office of Sheriff, in Clarke, for two years, at a cost of \$1,200, and indemnified the High Sheriff against any loss.

Thos. S. Redd, Esq., the Clerk of the Fayette Circuit Court, was also examined by your committee, but they deem it unnecessary to give but one of the questions propounded to said Redd, and his answer to the same.

Did you or not, pay, or agree to pay, to H. I. Bodley, Esq., the former Clerk, a certain stipulated sum, if he would resign his office.

Answer. Inasmuch as this question implies something wrong upon my part, I respectfully decline answering it.

In conclusion, your committee are of opinion that the office of Sheriff, is one of bargain and sale, in nearly all the counties of the State, as far as they can learn.

Mr. Harlan, from the committee on the Judiciary, to whom was referred the bill for the benefit of the heirs of Nicholas Smith, deceased, reported the same without amendment.

Ordered, That the said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The following bills were reported by the committee on the Judiciary, viz:

A bill the better to protect the estates of deceased persons.

A bill for the benefit of Frederick Potter.

A bill for the benefit of Catharine Dugnam.

A bill for the benefit of John Stump's children.

A bill to change the names of William Henry Rice and John Wilson Dollins, and for the benefit of William H. Garnett.

A bill for the benefit of Catharine Hathaway, and others.

A bill for the benefit of certain Justices of the Peace for Fulton county.

A bill for the relief of John Tompkins.

A bill for the relief of Milton Busby.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Harlan, from the committee on the Judiciary, to whom was referred a bill from the Senate, entitled, an act for the benefit of the widow and heirs of Frederick Adkins, deceased, reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. J. Speed Smith, from the committee to whom was referred the bill further to protect the rights of married women, reported the same with amendments.

Ordered, That said bill, and amendments, be referred to a committee of the whole House for this day.

The House, accordingly, resolved itself into a committee of the whole, on said bill and amendments, Mr. Alexander in the Chair: and after some time spent therein, the Speaker resumed the Chair, when Mr. Alexander reported that the committee had, according to order, had under consideration the bill aforesaid, and had adopted sundry amendments thereto; which he handed in at the Clerk's table.

The said amendments were then concurred in.

The said bill, as amended, reads as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the slave or slaves of a married woman shall, hereafter, within this Commonwealth, be held and taken to be real estate, in so far, that no slave or slaves, or the increase thereof, which any such married woman had at the time of her marriage, or which may come, descend, or be devised or given to her during her coverture, shall be liable to the debts of her husband, or be attached, levied on, or sold, for his debts or liabilities of any sort or kind, whether such debts or liabilities accrued before or after marriage; nor shall the life estate of the husband, his wife living, be levied on, executed, or sold, for any such debts or liabilities: *Provided, however*, That the slave or slaves of any married woman, owned at the time of her marriage, or which may be acquired by her in any of the modes aforesaid, shall in no case be exempt from the payment of her debts and liabilities, created or arising before marriage, but that such slave or slaves shall, notwithstanding, remain liable to such debts or liabilities, by the appropriate remedy at law or in chancery: *And provided further*, That the slave or slaves owned by any married woman prior to the marriage, or acquired by her in any of the modes aforesaid, after the marriage, shall be liable for all debts by her and her husband jointly contracted or created, in writing, for necessities furnished her or any member of her family.

SEC. 2. *Be it further enacted*, That the husband and wife may dispose of the slave or slaves of the wife in the same way that they may, by deed, dispose of the lands of the wife, and with like limitations and restrictions, according to the existing laws; and on the death of the wife, such slave or slaves shall descend to her heirs at law, as lands descend by the laws of this Commonwealth, subject to a life estate of the husband surviving, for his life and no longer.

SEC. 3. *Be it further enacted*, That the lands of no married woman within this Commonwealth, which she may have owned at the time of her marriage, or which may come, or be given, devised or descend to her during the

marriage, shall be subject to the debts of the husband, or be levied on, attached, or sold, or executed for any of his debts, created or arising either before or after the marriage: *Provided, nevertheless,* That all such, the lands of the wife, shall be liable and subject to the debts and liabilities of the wife, arising or created before the marriage; but in no case shall the curtesy or life estate of the husband, be sold by process of law, except after the death of the wife, the husband surviving: *Provided,* That husband and wife may sell and convey, or dispose of the lands of the wife, by their deed acknowledged and authenticated, and recorded according to the existing laws: *And provided further,* That the lands of the wife shall be liable for all debts by her and her husband jointly contracted or created, in writing, for necessities furnished her, or any member of her family.

SEC. 4. *Be it further enacted,* That the estate and property of the husband shall not be subject to the payment of any contracts, liabilities, damages, or debts incurred by the wife prior to marriage.

Mr. E. Smith moved to lay said bill on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Dallam and Wortham, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Balee,	Conner,	Maxey,
Barkley,	Cox,	McCampbell,
Barlow,	Dallam,	Priest,
Begley,	Dudley,	Shawhan,
Botts,	Gano,	Short,
Bowling, G.	Gardner,	Smith, E.
Bowling, R. C.	Gore,	Smith, J.
Brown,	Haggard,	Speed,
Clack,	Hatfield,	Stevenson,
Clarke,	Headley,	Stone, S.
Cleaveland,	Howell,	Wortham—34.
Combs, J.		

Those who voted in the negative, were—

Mr. Speaker,	Hay,	Peters,
Messrs. Abbett,	Hughes,	Pope,
Alexander,	Hunton,	Railey,
Anthony,	Jackson,	Riley,
Barnett,	Johnson, D. B.	Rodman,
Breeden,	Johnston, A.	Seaton,
Brooks,	Jones,	Smith, J. Speed
Cessna,	Kelly,	Sparks,
Combs, L.	Lapsley,	Stephens,
Darnaby,	Layne,	Stone, B.
Desha,	Mayhall,	Thomas, A. W.
Duncan,	Mayer,	Thomas, W.
Elliott,	McKellup,	Thurston,
Finnell,	Miller,	Waller,
Glenn,	Murray,	Wheat,

Glover,
Harlan,
Hardy,

Myers,
Orr,

Whitlock,
Whitsett—52.

Mr. Miller moved to amend said bill by striking out all but the second section.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. J. Speed Smith and Haggard, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Cox,	Miller,
Anthony,	Dallam,	Pope,
Balee,	Darnaby,	Purdom,
Barkley,	Gano,	Riley,
Barlow,	Gardner,	Shawhan,
Begley,	Gore,	Short,
Botts,	Haggard,	Smith, E.
Bowling, G.	Hatfield,	Smith, J.
Bowling, R. C.	Hay,	Speed,
Brown,	Headley,	Stevenson,
Clack,	Howell,	Stone, S.
Cleaveland,	Jackson,	Waller,
Combs, J.	Maxey,	Wortham—41.
Conner,	McCampbell,	

Those who voted in the negative, were—

Mr. Speaker,	Hardy,	Peters,
Messrs. Abbett,	Hughes,	Priest,
Barnett,	Hunton,	Railey,
Breeden,	Johnson, D. B.	Rodman,
Brooks,	Johnston, A.	Seaton,
Cessna,	Jones,	Smith, J. Speed
Clarke,	Kelly,	Sparks,
Combs, L.	Lapsley,	Stephens,
Desha,	Layne,	Stone, B.
Dudley,	Mayhall,	Thomas, A. W.
Duncan,	Mayes,	Thomas, W.
Elliott,	McKellup,	Thurston,
Finnell,	Murray,	Wheat,
Glenn,	Myers,	Whitlock,
Glover,	Orr,	Whitsett—46.
Harlan,		

Ordered, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Wortham and J. Smith, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Hughes,	Pope,
Messrs. Abbett,	Hunton,	Priest,
Barnett,	Jackson,	Railey,
Breeden,	Johnson, D. B.	Rodman,
Brooks,	Johnston, A.	Seaton,
Cessna,	Jones,	Smith, J. Speed
Combs, L.	Kelly,	Sparks,
Darnaby,	Lapsley,	Stephens,
Desha,	Layne,	Stone, B.
Duncan,	Mason,	Thomas, A. W.
Elliott,	Mayhall,	Thomas, W.
Finnell,	Mayes,	Thurston,
Glenn,	Murray,	Wheat,
Harlan,	Myers,	Whitlock,
Hardy,	Orr,	Whitsett—46.
Hay,		

Those who voted in the negative, were—

Messrs. Alexander,	Cox,	McKellup,
Anthony,	Dallam,	Miller,
Balee,	Dudley,	Peters,
Barkley,	Fallis,	Purdom,
Barlow,	Gano,	Riley,
Begley,	Gardner,	Shawhan,
Botts,	Glover,	Short,
Bowling, G.	Gore,	Smith, E.
Bowling, R. C.	Haggard,	Smith, J.
Brown,	Hatfield,	Speed,
Clack,	Headley,	Stevenson,
Clarke,	Howell,	Stone, S.
Cleaveland,	Maxey,	Waller,
Combs, J.	McCampbell,	Wortham—43.
Conner,		

Resolved. That the title thereof be as aforesaid.

The Speaker laid before the House a communication from Ben. Hardin, Secretary of State, which is as follows, viz:

SIR:

SECRETARY'S OFFICE.

I transmit to you, and through you to the House of Representatives, the plan of Revenue that, as Secretary of State, I was, by joint resolution of both Houses, requested to submit. I am, with great respect,

BEN. HARDIN, *Secretary of State.*

HON. JOSEPH R. UNDERWOOD,

Speaker of the House of Representatives.

[For Communication—see *Legislative Documents.*]

Ordered, That the Public Printer forthwith print 150 copies of said communication for the use of the members of the General Assembly.

The Speaker laid before the House the report of the Trustees of the Library, which is as follows, viz:

To the General Assembly of the Commonwealth of Kentucky:

GENTLEMEN:—The undersigned, Trustees of the Public Library, would report, that sometime last summer, they entered upon the discharge of the duties assigned them by the act entitled, an act to appoint Trustees of the Public Library, approved March 1, 1836; and they have, from time to time, as their other business would permit, examined the Public Library and condition of the books, and how the Library was attended to—that the books are in good order and well taken care of by the Librarian, when his health would permit, and when he was sick, which has been frequent this last year, by his brother, William D. Robertson.

They would suggest, that from the catalogue and prices given for them, they are of opinion that some of the purchases were made at very high prices. They would further suggest, that a very bad practice prevails, of the Judges of the Court of Appeals taking to their rooms so large a part of the Law Library, that when that Court is in session, that part of the Library remaining, is of little service to the professional gentlemen of the law. They deem some regulation on this subject necessary.

BEN. HARDIN, *Secretary of State*.

JAMES DAVIDSON, *Treasurer*.

H. I. BODLEY, *Auditor*.

JAMES ROBERTSON, *Register Land Office*.

O. G. CATES.

The statements in the foregoing report, concerning the purchases of books at very high prices, and the practice of the Court of Appeals, in using the book, are signed by me upon the information of others, having no personal knowledge relative thereto.

H. I. BODLEY.

Ordered, That said report be referred to the committee on the Library.

The Speaker laid before the House a report from the President of the Board of Internal Improvement, which is as follows, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
February 16, 1846. }

SIR:

The Board of Internal Improvement having examined the claim of E. H. Watson and J. C. Young, for damages sustained by them from the slackwater of the Kentucky River Navigation, have the honor to make the following report.

THOMAS METCALFE, P. B. I. I.

HON. JOSEPH R. UNDERWOOD,

Speaker of the House of Representatives.

[For Report—see *Legislative Documents*.]

Ordered, That said report be referred to the committee on Claims.

1. Mr. Riley presented the petition of Philip Triplett, praying an amendment of the laws in relation to Owensboro'.

2. Mr. Pope presented the remonstrance of the bar of the city of Louisville against any change in their Courts.

Which were received, the reading dispensed with, and the 1st referred to the committee on the Judiciary; and the 2d was laid on the table.

The House, according to order, resolved itself into a committee of the whole, Mr. Brown in the Chair, on the bill to incorporate the Licking River Navigation Company, and after some time spent therein, the Speaker resumed the Chair, when Mr. Brown reported that the committee had, according to order, had under consideration, the bill aforesaid, and had adopted sundry amendments thereto; which he handed in at the Clerk's table.

The said amendments were then concurred in.

The said bill, as amended, reads as follows, viz:

WHEREAS, the State has been compelled to abandon the works on Licking river: and whereas, the improvement of the navigation of said river, by the completion of the Locks and Dams already commenced, and by the erection of others, will be, in the opinion of this body, of great public utility; and it being represented to the General Assembly of Kentucky, the work may be done by individual enterprise with but little aid from the Commonwealth: Now, to secure so important an object, the Legislature is willing to incorporate a company for that purpose—therefore,

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That a company be, and the same is hereby, incorporated, to improve the navigation of Licking river, from the mouth of said river to West Liberty, should sufficient stock be taken to complete the navigation that far.

SEC. 2. *Be it further enacted*, That the capital stock shall be seven hundred and fifty thousand dollars, to be divided into seven thousand five hundred shares of one hundred dollars each.

SEC. 3. *Be it further enacted*, That said company shall be a body politic and corporate, by the name and style of the "Licking River Navigation Company," and by that name shall have perpetual succession, and all the privileges and franchises incident and belonging to a corporation; shall have a common seal, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof; and of purchasing, taking, and holding, to them and their successors and assigns; and of selling, transferring, and conveying, in fee simple, all such lands, tenements, and hereditaments, as shall be necessary to them in the prosecution of their work; to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered, in Courts of record in this Commonwealth and elsewhere; shall have full power to pass such by-laws, rules and regulations for the government, direction and control of the private affairs of the company as shall be deemed necessary, not being contrary to this act, or the constitution of Kentucky; and to do every other matter or thing which a body corporate may lawfully do.

SEC. 4. *Be it further enacted*, That books, for the subscription of the capital stock of said company, shall be opened on or before the first day of May next, at the several places, and under the direction of the several Commissioners hereinafter named, to-wit: In the city of Covington, under the direction of Herman J. Groesbeck, George M. Southgate, and John W. Steven-

son; in the town of Newport, under the direction of James Taylor, Jr., Samuel Winston, and John N. Taliaferro; in the town of Falmouth, under the direction of Samuel F. Swope, Samuel T. Hauser, and Richard Stowers; in the town of Cynthiana, under the direction of Wm. K. Wall, Thomas B. Woodyard, and Wm. A. Withers; in the town of Claysville, under the direction of N. R. Whitehead, S. B. Cunais, and A. Rawlings; in the town of Carlisle, under the direction of Joseph F. Tureman, John S. Morgan, and John G. Parks; at the Lower Blue Licks, under the direction of Lewis P. Holliday, John Standeford, and Neal Ballengall; in the town of Paris, under the direction of Richard Hawes, Geo. W. Williams, and Ezekiel Thurston; in the town of Sharpsburg, under the direction of Wm. M. Sudduth, Moses Q. Ashby, and Sandford Allen; in the town of Owingsville, under the direction of Andrew Trumbo, James Sudduth, and J. W. Turner; in the town of Flemingsburg, under the direction of Dorsey K. Stockton, John A. Cavan, and Thomas Porter; in the town of Mountsterling, under the direction of Richard Apperson, Belvard J. Peters, and Thomas C. Barnes; in the town of West Liberty, under the direction of — Barnes, George Philips, and William Henry, or a majority of said Commissioners, at each of the places above named.

SEC. 5. *Be it further enacted*, That the said Commissioners shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligation in said book or books, viz: I promise to pay to the President and Directors of the Licking River Navigation Company, the sum of one hundred dollars per share for — share (or shares, as the case may be,) of the stock of said company, in such manner, in such proportion, and at such times as shall be required by the President and Directors of said company, and agreeably to an act of the General Assembly of Kentucky incorporating said company. Given under my hand and seal this — day of —, 18—. The said Commissioners, or a majority of them, shall give notice of the time and place of opening the books for the subscription of the stock of said company, and they are hereby authorized and directed to continue them open for the space of ninety days, unless the whole amount of the capital stock shall be sooner subscribed: *Provided, however*, That nothing in this act shall be construed to prevent said books for subscription from being opened at any time until the whole stock shall be subscribed.

SEC. 6. *Be it further enacted*, That as soon as the sum of one hundred thousand dollars of the capital stock shall be subscribed, the Commissioners aforesaid, for the city of Covington and town of Newport, shall, at such time and place as they may designate, call a meeting of the stockholders, and shall hold an election for President and ten Directors, who shall hold their offices until the first day of January next ensuing said election, and until their successors are elected and qualified; and the President and Directors, before entering upon the duties of their appointment, shall, before some Justice of the Peace, take an oath that they will faithfully discharge the duties of their respective offices, without favor or affection, according to the best of their judgment; that upon the qualification of the President and Directors, they shall appoint a Treasurer, and such other officers as they shall deem necessary, who shall hold their offices one year, and until others are appointed. The Treasurer shall, before entering upon the duties of his office, execute bond with security, to the President and Directors, in such

penalty as they shall direct, conditioned for the faithful discharge of the duties of said office.

SEC. 7. *Be it further enacted*, That the President and Directors shall have power to call in the stock subscribed, first giving twenty days notice in one of the papers published in Covington and Lexington, of the time of payment and the amount thereof: *Provided, however*, That no call shall be made for more than ten per centum on the share, nor shall they be oftener made than once in every sixty days. And if any stockholder or stockholders shall neglect or refuse to pay his proportion of the stock as called, for the space of thirty days after the time appointed for the payment thereof, every such stockholder shall, in addition to the stock so called, pay at the rate of one per cent. per month for every delay of such payment; and if he shall delay to pay the amount of such call, and the penalty aforesaid, for the space of six months, after the time said payment is required, he or they shall forfeit said share or shares to the corporation, and the amount that shall have been paid thereon; and said shares shall be, thereafter, (first being advertised for three weeks,) sold to the highest bidder, provided they will bring the balance unpaid on them at the time of said forfeiture; or instead of forfeiting said shares as hereinbefore mentioned, the President and Directors may institute suit in any Court of competent jurisdiction, in the name of the corporation, to recover the sum or sums due and unpaid.

SEC. 8. *Be it further enacted*, That in the election of the officers of said company, or in voting upon any question or matter in which the stockholders may be required to vote, they shall be entitled to one vote for each share under eleven; one vote for every two shares over ten and under fifty; one vote for every five shares over fifty: *Provided, however*, That no stockholder shall be entitled to vote at any election for officers, or be entitled to any of the privileges and immunities of a stockholder, while any call made by the President and Directors upon the share or shares held by him is due and unpaid.

SEC. 9. *Be it further enacted*, That the stockholders may vote in person or by proxy, and none but a stockholder shall be eligible as President, Director, or Treasurer, or to any other office in said company, the duties of which appertain to the management of the pecuniary affairs of the company; and the said President and Directors, and other officers, as aforesaid, shall cease to be such, on his or their ceasing to be stockholders. The annual election for a President and Directors shall be on the first day of January in each year, after the organization as provided in the 6th section of this act, and shall hold their offices one year, and until their successors are elected and qualified; and the elections shall be held at such places as the President and Directors may appoint; and at each general election, as aforesaid, it shall be the duty of the President and Directors to lay before the stockholders a just and full expose of the situation of the company, and also a record of their proceedings for the past year, a copy of which expose and record they shall transmit to the Legislature of Kentucky, on or before the tenth day of January aforesaid.

SEC. 10. *Be it further enacted*, That the President and Directors shall deliver to each stockholder a certificate, signed by the President and countersigned by the Treasurer, and sealed with the seal of the corporation, of each share of stock subscribed and held by such stockholder, which certificate shall be transferred on the books of said corporation, in person, or by

attorney, but no share shall be transferred until all the calls and arrearages are paid thereon; the original certificate of the share or shares subscribed and transferred shall be surrendered, and a new certificate shall issue to the purchaser or assignee, who shall be a member of said company, and entitled to all the benefits and privileges the original owner was entitled to.

SEC. 11. *Be it further enacted*, That the President may call a meeting of the Directors at such time and place as he may think proper. A majority of all the Directors, including the President, shall be necessary for the transaction of business. They shall keep a record of their proceedings, to be entered in a book provided for that purpose, and the proceedings of the Board shall be signed by the President; and in case of the absence of the President, the Directors shall elect a President, *pro tempore*; and they may adjourn, from time to time, as they may think proper.

SEC. 12. *Be it further enacted*, That the President and Directors shall employ such engineers, artists, laborers, &c., as may be by them deemed necessary, for the successful prosecution of the work, allowing to the persons so employed such reasonable compensation as may be agreed upon between said President and Directors, and said persons so employed. The said President and Directors may make contracts, and do all things necessary for carrying said work into immediate operation; and require and take bond, in their corporate name, from any person or persons they may contract with. And in case of the death or resignation of the President and Directors, or any or either of them, or a vacancy from any other cause, in said Board, the remaining members may elect a stockholder or stockholders to supply the place or places in said Board, so vacated, for the unexpired term of his or their predecessor or predecessors.

SEC. 13. *Be it further enacted*, That the said President and Directors, or their agents, shall be, and they are hereby, authorized to contract with the owners of lands and tenements which may be necessary for the erection of Toll-houses, Locks and Dams, &c., and such earth, stone, wood, gravel, and other materials necessary in and about the said company works; but, in case no contract or agreement can be made with the owners of such lands, tenements, &c., the said company may proceed to have the land, materials, &c., condemned, under the provisions of an act, entitled, "an act to provide for condemning lands and materials for the construction of turnpike roads and other works of Internal Improvement," approved February 22d, 1836: and, "an act which provides for condemning lands and materials for works of Internal Improvement," approved February 23d, 1837; and the further act, entitled, "an act authorizing the condemnation of land for toll-houses," approved February 23, 1839.

SEC. 14. *Be it further enacted*, That when the whole, or any part of said contemplated works shall be completed, suitable to the passage of vessels, boats, or other craft, drawing sixteen inches, in low stages of the water, the President and Directors, by themselves or their agents, shall have power and authority to demand and receive, from the owner or owners, masters or supercargoes, of all vessels, boats, or other crafts, ascending or descending said river, at each Lock, before such vessel, boat, or other craft, shall be permitted to pass the same, such rates of toll as shall be determined upon by said President and Directors, subject to the restrictions and regulations hereinafter named, which rates of toll shall be posted up in some conspicuous place at each Lock, and no other or greater toll shall be demanded than those thus

posted: *Provided, however*, That said rates of toll shall be determined and declared at the annual meeting of the Board, and not oftener, unless the same shall be done under the direction of the Legislature of Kentucky, as hereinafter provided.

SEC. 15. *Be it further enacted*, That if any person or persons, liable to pay toll, as aforesaid, at any or either of the Locks erected in pursuance of the aforesaid provisions, shall, with the intent to defraud said company, pass any such Lock, making use of the same to facilitate their passage, with or without the knowledge of the agent, toll gatherer, or gate keeper, or shall practice any fraudulent device, with intent to lessen or evade the payment of any such toll, such person or persons, so offending, shall, for every such offence, respectively, forfeit and pay to the said President and Directors the sum of fifty dollars, recoverable in like manner as other debts of equal amount, in the name of said President and Directors. And if any person or persons shall wilfully do any act or thing, whereby said work, or any lock, dam, gate, slope, or other appurtenance thereto, shall be injured or impeded, or shall commit any wilful trespass, or take and carry away, and conceal any material, instrument, tool, or other thing of value belonging to, or used in and about said works, he, she, or they, so offending, shall forfeit and pay to said company double the value of the thing taken, or the cost or damage sustained by means of such wilful act of trespass, to be recovered as aforesaid; and in case of feloniously and clandestinely taking and carrying away any material, instrument, tool, or other valuable thing, as aforesaid, belonging to said Company, he, she, or they, so offending, shall be liable to prosecution for felony, as under the existing laws.

SEC. 16. *Be it further enacted*, That the President and Directors of said company shall take bonds, with good security, from the gate keepers, lock tenders, or other persons employed by them, for the faithful discharge of the duties assigned to them, respectively, which bonds they may cause to be renewed whenever they may deem it necessary; and said bonds shall be made payable to the President and Directors of said company, aforesaid.

SEC. 17. *Be it further enacted*, That the President and Directors shall keep, or cause to be kept, a fair and just account of all money which shall be received by them, from the subscribers of the stock in said company, and of all moneys by them expended in the prosecution of said work, and all costs, charges, and expenses, of clearing away trees, removing drift wood, and other obstructions, and of erecting any and every work, dam, lock, gate, or other building or appurtenance, and of keeping the same in repair; and of all moneys by them received in the way of tolls, rents, or duties of any and all kinds whatsoever, and on the first day of January, in each year, after the said work is, in whole or in part completed, and shall have the same made up and the balance of profits struck and divided among the stockholders; and if it shall appear from the report so made, as aforesaid, under the oaths of the President and Directors, that the profits so divided, or to be then divided, do not net the amount of ten per cent. per annum on the capital expended, the President and Directors shall be authorized to add to the tolls for the succeeding year, until the net profits, after deducting for all expenses, repairs, and necessary improvements, shall amount to the sum of ten per cent. per annum. But should it appear from the aforesaid report, that the net profits exceed ten per centum per annum, the Legislature reserves the right

to reduce the rates of toll, so that the net profits shall not exceed ten per centum, as aforesaid.

SEC. 18. *Be it further enacted*, That the counties bordering upon Licking river, by their County Courts, a majority of all the Justices of said Court concurring, be, and they are hereby, authorized to subscribe for stock in said company, to any amount not exceeding ten thousand dollars each; the sum subscribed to be raised by an ad valorem levy, to be made upon the assessor's list in said county, by the County Courts thereof—the sum or sums subscribed to be payable in three equal annual instalments: *Provided, however*, That before the County Courts, or either of them, shall be authorized to subscribe for the stock, or make the levy aforesaid, the said Court or Courts shall direct a poll to be opened at the annual election, at the various places of voting in said county or counties, with a view to ascertain the sense of the legal voters of said county or counties, as to the propriety of said subscription and levy, and if a majority of the legal voters of said county or counties shall declare in favor of a subscription and levy, it shall be the duty of said Court or Courts, at their first meeting after said declaration of the sense of the people, to make said subscription and levy, a copy of which shall be furnished the Sheriff, who shall proceed to collect the same, under the same rules and regulations as govern and direct him in the collection of the revenue.

SEC. 19. *Be it further enacted*, That the work done, the stone, timber, gravel, and other materials collected, the quarries cleaned, and the lock sites purchased, be, and the same are assigned to the Licking River Navigation Company, and the Governor is hereby authorized to convey them to said Company: *Provided, however*, That said conveyance and grant shall not be consummated, until it shall satisfactorily appear to the Governor, that one thousand shares of the capital stock of said Company has been subscribed in good faith: *And provided, moreover*, That when said conveyance is made, the Company shall not be required to declare a dividend thereon, but the same shall be taken as a donation by the State to said Company.

SEC. 20. *Be it further enacted*, That the Commonwealth shall have, and now reserves the right to herself, at any time after the expiration of the term of fifteen years after the passage of this act, to buy out the stock of said Company, from the stockholders, upon the payment of the amount of said stock, with interest at the rate of six per centum per annum, less the dividends yearly declared and paid by the Company, computing said interest from the time said stock shall be paid to the Treasurer: *Provided, however*, That in the re-purchase of the stock by the State, the State shall only be required to re-pay to the Company the amount of money actually expended by the Company, with six per cent. interest, less the dividends aforesaid.

SEC. 21. That said Licking River Navigation Company be, and they are hereby, required to commence the works upon said river, within two years from the passage of this act, and complete the same to the town of Falmouth within five years, and to the mouth of Fleming creek in eight years, under the penalty of a forfeiture of their charter, and all the rights and privileges by this act granted.

SEC. 22. That whenever the stock of said Company shall pay a dividend of seven per cent. the State reserves the right to tax the passengers on said river not exceeding one per cent. per mile, and one cent per ton for freight.

SEC. 23. That if any sum be found due by the State to the Contractors on the Licking river improvement, for work heretofore done, and which work is, by this act ceded to the Company, the said sum shall be paid by the Company.

The question was then taken, shall the bill, as amended, be engrossed and read a third time? and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Alexander and Stevenson, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Finnell,	Murray,
Messrs. Balee,	Gano,	Myers,
Barkley,	Gardner,	Orndorff,
Begley,	Glenn,	Peters,
Bowling, R. C.	Glover,	Pope,
Breeden,	Gore,	Railey,
Brown,	Haggard,	Reid,
Brooks,	Harlan,	Riley,
Cessna,	Hardy,	Seaton,
Clack,	Hatfield,	Shawhan,
Clarke,	Hay,	Smith, E.
Cleaveland,	Hughes,	Smith, J.
Combs, J.	Jackson,	Sparks,
Combs, L.	Jones,	Speed,
Conner,	Keily,	Stephens,
Cox,	Lapsley,	Stevenson,
Dallam,	Mason,	Stone, B.
Darnaby,	Mayhall,	Thurston,
Desha,	Maxey,	Wallace,
Duncan,	McCampbell,	Waller,
Elliott,	McKellup,	Wortham—64.
Ford,		

Those who voted in the negative, were—

Messrs. Alexander,	Johnson, D. B.	Short,
Barlow,	Johnston, A.	Smith, J. Speed
Barnett,	Layne,	Stone, S.
Botts,	Mayes,	Thomas, A. W.
Bowling, G.	Miller,	Thomas, W.
Dudley,	Orr,	Wheat,
Fallis,	Priest,	Whitlock,
Headley,	Rodman,	Whitsett—25.
Hunton,		

Mr. Cox moved that said bill have its third reading now, and it was decided in the affirmative.

The said bill was then read a third time.

The question was then taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Headly and S. Stone, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker.	Finnell,	Murray,
Messrs. Balee,	Gano,	Myers,
Barkley,	Gardner,	Orndorff,
Bowling, R. C.	Glenn,	Peters,
Breeden,	Glover,	Pope,
Brown,	Gore,	Railey,
Brooks,	Haggard,	Reid,
Cessna,	Harlan,	Riley,
Clack,	Hardy,	Seaton,
Clarke,	Hatfield,	Shawhan,
Cleaveland,	Hay,	Smith, E.
Combs, J.	Hughes,	Smith, J.
Combs, L.	Jackson,	Sparks,
Conner,	Jones,	Speed,
Cox,	Kelly,	Stephens,
Dallam,	Lapsley,	Stevenson,
Darnaby,	Mason,	Stone, B.
Desha,	Mayhall,	Thurston,
Duncan,	Maxey,	Wallace,
Elliott,	McCampbell,	Waller,
Ford,	McKellup,	Wortham—63.

Those who voted in the negative, were—

Messrs. Alexander,	Hunton,	Rodman,
Barlow,	Johnson, D. B.	Short,
Barnett,	Johnston, A.	Smith, J. Speed
Begley,	Layne,	Stone, S.
Botts,	Mayes,	Thomas, A. W.
Bowling, G.	Miller,	Thomas, W.
Dudley,	Orr,	Wheat,
Fallis,	Priest,	Whitlock,
Headley,	Purdom,	Whitsett—27,

Resolved, That the title thereof be as aforesaid.

Mr. Pope, from the committee to whom was referred the bill to revive the Lexington and Ohio Railroad Company, reported the same with an amendment, as a substitute for said bill.

Ordered, That said bill, and amendment, be postponed to, and made the special order of the day for to-morrow.

Mr. Dallam, from the committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act to incorporate the Campbell Turnpike Road Company.

An act to amend an act, entitled, an act to amend the several laws of this Commonwealth relative to the duties of Clerks of Courts, approved February 2, 1841.

An act allowing Martin Fugate, late Sheriff of Pendleton county, further time to return his delinquent lists of muster fines, and for other purposes.

An act providing for the support of an additional number of pupils in the Deaf and Dumb Asylum at Danville.

An act for the benefit of the School Commissioners of Carroll county.

An act to provide for a change of venue in the prosecution against Enoch Stephens.

An act for the benefit of the Sheriff of Shelby county.

An act for the benefit of the Sheriff of Laurel county.

An act for the benefit of James C. Price and Mary C. Price.

An act establishing a chancery term of the Clarke Circuit Court.

An act concerning the Barren Circuit Court.

An act to reduce the number of Justices of the Peace in Spencer county.

An act to change the venue in the prosecution of Addison, a slave.

An act for the benefit of Sabina Turpin, and others.

An act to incorporate the Cook Benevolent Institution.

An act for the benefit of Joseph S. N. and James M. Dicken.

An act to divorce Ann Elizabeth Holtzclaw.

An act for the benefit of James Dilly, of Barren county.

An act for the benefit of the Christian Church in Winchester, Clarke county.

An act for the benefit of Elizabeth Williams.

An act for the benefit of the Methodist Episcopal Church, South, in Hopkinsville.

An act for the benefit of Mary N. Gwynn.

An act for the benefit of William F. Colston and Mary E. Colston.

An act to change the name of the town of Landing, in Boone county, to that of Hamilton, and to appoint Trustees for said town.

An act to amend the charter of the town of Keene, in the county of Jessamine.

An act for the benefit of the County Court Clerks of Floyd and Pike counties.

An act for the benefit of James Pittman.

An act for the benefit of Catharine H. Willis and her infant children.

An act for the benefit of the widow and heirs of Samuel Howard, deceased.

An act to change the name of Susan Baker.

An act to authorize the Trustees of Cadiz to sell a part of a street in said town.

An act concerning the town of Glasgow.

An act to authorize the appointment of a Police Judge for the town of Athens, in Fayette county.

An act to change the name of Wm. Mahan to William Nelson Rice.

An act for the benefit of Carol Kendrick.

An act to amend the road law in Greenup county.

An act to amend the law regulating the election of Trustees in the town of Port Oliver, in Allen county, and the town of Hopkinsville.

An act for the benefit of Maria T. Taylor.

An act for the divorce of Mary E. Herndon and Reuben Herndon.

And bills which originated in this House, of the following titles, viz:

An act to amend an act, entitled, an act to provide for taking the sense of the people of Mason county, relative to the Seat of Justice of said county.

An act to extend the corporate limits of Newport, and for other purposes.

An act to incorporate the town of Midway, in Woodford county.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Dallam inform the Senate thereof.

On motion of Mr. L. Combs,

Ordered, That the committee of the whole be discharged from the further consideration of the bill to incorporate the Lexington and Kentucky River Railroad Company.

Ordered, That said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House then took up for consideration the bill to regulate the appointment and duties of Commissioners of Tax, and the amendment proposed thereto as a substitute.

The said amendment was then concurred in.

The said bill, as amended, reads as follows, viz:

That the County Courts of every county within this Commonwealth, shall, at the October, November, or December terms next, and every four years thereafter, appoint one person only to act as Commissioner of Tax, in their respective counties, who shall hold his office for the term of four years from the time of his election, subject to be removed from office for failing to discharge his duty, at the instance of the Second Auditor, by a vote of a majority of all the Justices in the county; who, before entering upon the duties of his office, shall give bond with good security, in the penalty of five hundred dollars, for the faithful performance of his duties; said bond shall be taken by the County Court, payable to the Commonwealth of Kentucky, and a copy of the same shall be forwarded by the Clerk of the County Court, to the Second Auditor, and the same shall be filed by him in his office, and may be renewed, from time to time, as may be required by the County Court.

Said Commissioner shall also take the following oath or affirmation, before the Clerk of the County Court, who is hereby authorized to administer the same: "I, A. B., do solemnly swear (or affirm,) that I will, to the best of my skill and ability, diligently and faithfully execute the duties of a Commissioner for taking in lists of taxable property, without favor, affection, or partiality; and I will diligently and faithfully make search and inquiry, that no person is passed over, or shall fail giving in his list of taxable property, and will truly and faithfully report all persons to the County Court who shall fail or refuse to give in his or her list of taxable property, as required by law—so help me God."

That the rate of compensation of the Commissioner of Tax shall be fixed by the County Court, at least one month before his election, and the same shall not be changed during his continuance in office, unless a majority of all the Justices in the county concur in such change, and they may make such allowance as may be deemed right and proper, but in no case shall the Commonwealth's portion exceed eight cents per list, which shall be paid by the State; and whatever allowance is made, over and above eight cents per list, shall be paid by the County Court, out of the County levy, and the Commonwealth's portion shall be paid out of the Treasury, as now directed by law; and as soon as fixed, said rate of allowance shall be certified to the Second Auditor; but before any allowance shall be made said Commissioner, as aforesaid, the original book shall be examined by the County Court Clerk, or by some other competent person appointed by the County Court, and if found correct, and in accordance with the laws, requisitions, and instructions of the Second Auditor, shall be certified by said Clerk, or examiner, as examined and found correct; for which examination and certificate the said Clerk or examiner shall be paid, by said Commissioners, two dollars per day.

And in addition to the fifty cents per list, to be deducted from the Commissioner's account, for a failure to take in any list of taxable property, as now directed by law, said Commissioner shall pay the Sheriff the same amount for each list he may take in and report to the Court, as may be allowed any such Commissioner by the Court, and the provisions of this act.

That said Commissioner shall have the power of appointing assistants, with the approbation of the County Courts; and he may require bond of said assistants, but shall be responsible for all their acts and doings, and may discharge the same at any time. The said Commissioner of Tax, or their assistants, shall, in all cases, swear the person giving in a list of taxable property, as to the same being a true and full list; and he shall swear all persons to the value of all property not made visible to them; and in no case shall he or his assistants fail to swear every individual to the amount given in under the equalization law. The Commissioners of Tax shall be liable upon their bonds, by motion in the General Court, for any failure of duty, upon the information of any person, competent to testify in a Court of Justice, said Commissioners having received notice twenty days before such motion is made; and may be fined for such failure, such sum as may be adjudged against them, within the discretion of the Court.

In case any Commissioner of Tax, appointed under the provisions of this act, should die, resign, or otherwise vacate his office, the County Court shall forthwith proceed to elect another Commissioner of Tax to fill the unexpired time of his predecessor, who shall give bond, and do all things required by this act, and be subject to the same penalties for a failure of duty.

It shall be the duty of the Second Auditor to furnish the several Commissioners, appointed under this act, with printed forms, as now laid down by law, together with such other instructions as he may deem right and proper, pertaining to the duties of said Commissioners.

It shall be the duty of said Commissioner to return his alphabetical lists of taxable property to the County Court Clerk, as now required by law.

That the Commissioners of Tax, appointed under this act, shall not commence their duties until the 10th day of January, 1847, and their term of service shall commence at that time.

That all laws, or parts of laws, incompatible with the provisions of this act, be, and the same are hereby, repealed.

Mr. Begley moved to lay said bill on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Stevenson and Speed, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Abbett,	Glenn,	Peters,
Anthony,	Haggard,	Purdom,
Barkley,	Hatfield,	Rodman,
Barlow,	Hay,	Shawhan,
Barnett,	Headley,	Short,
Begley,	Howell,	Smith, E.
Bowling, G.	Hughes,	Smith, J. Speed
Cessna,	Johnson, D. B.	Speed,
Cleaveland,	Lapsley,	Stone, S.
Conner,	Layne,	Thomas, W.
Desha,	McC Campbell,	Wheat,
Elliott,	Orndorff,	Whitsett,
Fallis,	Orr,	Wortham—40.
Gano,		

Those who voted in the negative, were—

Mr. Speaker,	Ford,	Murray,
Messrs. Alexander,	Finnell,	Myers,
Balee,	Gardner,	Pope,
Botts,	Gore,	Priest,
Bowling, R. C.	Harlan,	Railey,
Breeden,	Hardy,	Reid,
Brown,	Hunton,	Riley,
Brooks,	Jackson,	Seaton,
Clack,	Johnston, A.	Smith, J.
Clarke,	Kelly,	Sparks,
Combs, J.	Mason,	Stephens,
Combs, L.	Mayhall,	Stevenson,
Cox,	Mayes,	Stone, B.
Dallam,	Maxey,	Thomas, A. W.
Darnaby,	McKellup,	Wallace,
Dudley,	Miller,	Waller—49.
Duncan,		

The said bill was further amended.

Ordered, That said bill, as amended, be engrossed and read a third time.

Mr. Cox moved that said bill have its third reading now, and it was decided in the affirmative.

The said bill was then read a third time.

And then the House adjourned.

TUESDAY, FEBRUARY 17, 1846.

A message was received from the Senate, announcing their concurrence in the amendments proposed by this House, to bills from the Senate, of the following titles, viz:

An act for the benefit of William Ramsey, Elisha Gardner, and John B Cobb.

An act allowing an additional Constable to Marion county.

An act to incorporate the Calliopean Institution of Murray.

That they had passed bills from this House, of the following titles, viz:

An act for the benefit of William P. Blackstone.

An act for the benefit of Conrad Havens.

That they had passed bills of the following titles, viz:

An act to provide for Common Schools.

An act to authorize the Mississippi Railroad Company to extend their Railroad from the South boundary line of the Commonwealth of Kentucky, to the Mississippi river.

An act prescribing further duties of the Board of Internal Improvement.

An act to amend the law in relation to idiots and lunatics, approved February 12, 1840.

An act in relation to the Penitentiary.

An act to amend the charter of the Bardstown Female Academy.

An act for the benefit of John Ricks.

And that they had received official information from the Governor, that he had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act providing for a change of venue in the prosecution against James Lane.

An act to legalize the appointment of William W. Stockton, Constable of Green county.

An act to change the name of Hardin Land to Hardin Crawford.

An act concerning the town of Albany, in Clinton county.

An act to provide for the running and marking the dividing line between the counties of Campbell and Pendleton.

An act to incorporate the St. John's Church, at Princeton, in Caldwell county.

An act to establish a road in Madison and Garrard counties.

An act to change the name of William M. Gray to William M. Medlock, and for other purposes.

An act to authorize the County Court of Scott county to borrow money to rebuild the county jail.

An act for the benefit of Henry H. Phillips.

An act to authorize the Trustees of Somerset Academy to sell and convey a lot of ground in the town of Somerset.

An act to amend the act, entitled, an act for the benefit of the Preacher's Aid Society of the Kentucky Conference, approved February 15, 1842.

An act to change the time of holding the Caldwell Circuit Court.

An act to change the Anderson and Franklin county line.

An act to authorize the Clerks of County Courts to administer an oath to witnesses who offer to prove the age of persons applying for marriage license.
Approved February 14, 1846.

Mr. Waller presented the petition of sundry citizens of Mason county, praying protection for the wool growers of the State; which was received and referred to the committee on Agriculture and Manufacture.

Mr. Botts asked leave to withdraw the petition, &c., of Joseph Miller; which was granted and the same were withdrawn.

Mr. Barlow, from the committee on the Penitentiary, made the following report, viz:

The committee on the Penitentiary, after full investigations and repeated personal examinations of the prison, submit the following report:

They are convinced, from personal examination of the internal arrangements of the prison, that the present area of the yard is too small for its business operations, and for the health and comfort of the inmates. Other buildings are absolutely necessary to be erected for the efficient and profitable management of the concern, and to crowd them together in the present limited enclosure, would again endanger its destruction by fire, and not only this, but the rapidly increasing number of prisoners will, at no distant day, compel the extension of the walls, and the enlargement of the prison bounds; the only eligible site for the proposed extension, is offered by the owner for a sum which the committee deem reasonable, and if not accepted and purchased *now*, it may pass into the hands of some speculator, who knowing the circumstances, might advance in the price, &c. The Senate's committee on the Penitentiary, have reported a bill to that body for this purpose, and your committee unanimously and fully concur in all its provisions. We should be doing injustice to our feelings to close this brief report without expressing our

unqualified approbation of the internal arrangements, and improved discipline of the prison. The inmates look cheerful, and seem to be industriously engaged in their several trades and occupations, with seeming interest for the welfare of the Institution. They are furnished with comfortable shops to work in, with wholesome food and plenty of it, with warm substantial clothing through the day, and comfortable lodgings at night.

Your committee deem it unnecessary to go into an elaborate report, as the committee on the Penitentiary, on the part of the Senate, have made an extensive and explicit report, which has been printed and furnished to each member of the Legislature, in which your committee most heartily concur. Your committee state, that by the contract under which the present Keepers became proprietors, the State agreed to furnish \$25,000, in raw material, stock, manufactured articles, debts, and effects, if so much should remain on hand belonging to the Commonwealth, upon settlement with the (then) Keepers. Your committee being satisfied that the State has not complied on her part, and much embarrassment in the successful management of the Institution, has, and is likely to ensue in consequence thereof, it is the opinion of this committee, that the State shall loan to the present Keepers the sum of \$10,000, which they agree to accept in lieu of the \$25,000, which the State was to furnish, by the terms of the original contract. Your committee beg leave to report a bill loaning to the Keepers the sum of \$10,000, with sufficient guards to protect the interest of the State.

Your committee has had under consideration resolution directing them to examine and report upon the practice of committing slaves to said Institution for safe keeping. *It is the opinion of this committee*, that the Institution derives a revenue of about \$2,000 from this practice, some \$600 of which is raised from lock up fees, and is reported to the Legislature by the Keepers, in their annual report, the balance of which sum is presumed to be raised from the labor of the slaves whilst in said Institution.

Mr. Waller asked leave to withdraw the petition of sundry citizens of Mason county, praying for the removal of the Seat of Justice, and the list of voters; which was granted and the same were withdrawn.

Mr. Dallam, from the committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of William P. Blackstone.

An act for the benefit of Conrad Havens.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Dallam inform the Senate thereof.

Mr. Finnell, from the committee on Public Printing, made the following report, viz:

[*For Report—see Legislative Documents.*]

Ordered, That the Public Printer forthwith print 150 copies of said report for the use of the members of the General Assembly.

Mr. Glenn moved to suspend the rules in order that he might lay before the House, and have printed, a letter in relation to Public Printing.

And the question being taken thereon, it was decided in the negative, it requiring three fourths to dispense with the rules.

The yeas and nays being required thereon by Messrs. Glenn and S. Stone, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Abbett,	Gardner,	Pope,
Anthony,	Glenn,	Priest,
Balee,	Glover,	Purdom,
Barkley,	Hardy,	Railey,
Barlow,	Hatfield,	Rodman,
Barnett,	Howell,	Shawhan,
Begley,	Johnson, D. B.	Short,
Bowling, G.	Johnston, A.	Smith, E.
Cessna,	Mayhall,	Smith, J. Speed
Clarke,	Mayes,	Stevenson,
Cleaveland,	Maxey,	Stone, B.
Conner,	McKellup,	Stone, S.
Desha,	Miller,	Thomas, A. W.
Dudley,	Murray,	Thomas, W.
Elliott,	Orndorff,	Walker,
Fallis,	Orr,	Wheat—50.
Gano,	Peters,	

Those who voted in the negative, were—

Mr. Speaker,	Ford,	Myers,
Messrs. Alexander,	Finnell,	Reid,
Botts,	Gore,	Riley,
Bowling, R. C.	Haggard,	Seaton,
Breeden,	Harlan,	Smith, J.
Brown,	Hay,	Sparks,
Brooks,	Hunton,	Speed,
Clack,	Jackson,	Stephens,
Combs, J.	Jones,	Wallace.
Cox,	Kelly,	Waller,
Dallam,	Layne,	Whitsett,
Darnaby,	Mason,	Wortham—38.
Duncan,	McCampbell,	

A message was received from the Senate, announcing that they had passed bills of the following titles, viz:

An act to transfer the duties of the President of the Bank of the Commonwealth and Agent of the Old Bank of Kentucky to the First Auditor, and requiring certain duties of the First Auditor and Attorney General.

An act granting a change of venue to Marmaduke Coker.

An act to change the venue in the prosecution against Charles Darnals.

Mr. Harlan, from the committee on the Judiciary, to whom was referred the petition of John S. Lucas, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Mr. Barlow moved to amend said resolution by striking out the words "be rejected," and inserting "is reasonable."

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said committee prepare and bring in a bill in accordance with said petition.

The Speaker laid before the House a communication from the President of the Board of Internal Improvement, which is as follows, viz:

OFFICE OF THE BOARD OF INTERNAL IMPROVEMENT,
February 17, 1846. }

SIR:

The sixth section of an act, entitled, "an act for the benefit of the owners of mills and other property injured by slackwater," approved 10th February, 1845, directs that the Board of Internal Improvement "be authorized and empowered to cause the removal of so much of Mitchell's mill dam, in Barren river, near Bowlinggreen, as obstructs the free navigation of said river." No appropriation or other provision was made to pay for the work when done. Upon consultation with the Governor, the Board determined to advertise the letting of the work, upon condition that the Contractor or Contractors should look alone to the General Assembly for their pay. It was important that the work should be commenced, and if possible, finished during the last season, whilst the water was let off the pool in Barren river.

The Board appointed George B. Adams and John T. Cox, agents to advertise and superintend the letting of the work to be done. The contract was given to H. G. Mitchell, to remove one hundred lineal feet of said dam, in the South-west channel, to the depth of the ford below, at the price of \$1 50 per foot. Mr. Adams reports to the Board, that the work was commenced and prosecuted with vigor for a time, and until suspended by the sickness of the Contractor.

The Board feel it their duty to report the facts to the House of Representatives, that provision may be made for paying the Contractors, when the work is done.

The Board will further remark, that some compensation is due to Messrs. Adams and Cox, for their services in the premises, and for expenses paid for advertising. The amount they are disposed to leave to the superior wisdom of the General Assembly. There is also something due to Mr. Adams for assistance rendered the President of the Board, whilst engaged in investigating claims for damages resulting from slackwater, in the vicinity of Bowlinggreen. There is also due to Thomas Conn, *fifty three* dollars, being the amount of his traveling expenses, in taking proof in regard to damages sustained by persons on Green river, after the President of the Board had been disabled by a fall from his horse.

The Board have the control of no funds to satisfy these claims, and submit to the Legislature the propriety of making provision for the same. Mr. Conn being in the service of the State, charges only for his expenses.

Very respectfully,

THOMAS METCALFE, P. B. I. I.

HON. JOSEPH R. UNDERWOOD,

Speaker of the House of Representatives.

Ordered, That said communication be referred to the committee on Claims.

Mr. Harlan, from the committee on the Judiciary, reported a bill for the benefit of mechanics and manufacturers, which was read the first time as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the provisions of an act, entitled, "an act for the benefit of the mechanics of Maysville," approved February 1, 1839, be so extended as to embrace the Commonwealth at large, and to include the carpenters, joiners, brick and stone masons, lumber merchants, plasterers, turners, painters, brick makers, and all other persons performing labor or furnishing materials for the construction or repair of any building within the State, as if the provisions thereof were specially re-enacted and extended to the said State at large.

SEC. 2. That the liens given by this act, shall be as full and complete, and subject to the same limitations and regulations, as are given to the mechanics of Maysville, by the act aforesaid.

SEC. 3. That the special acts already in force for the benefit of mechanics in particular cities and towns, shall not be affected by this act.

SEC. 4. That all builders of engines, and machinists, within this State, shall have a lien on the engines and machinery so made by them: *Provided*, The lien given by this act shall not extend or continue for a period longer than one year after the same shall have been delivered.

SEC. 5. This act shall take effect on and after the first day of June next.

Ordered, That said bill be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Mr. Mayes moved to amend said bill by adding the following, viz:

That nothing in this act contained shall be so construed as to affect the rights of a *bona fide* purchaser without notice.

Mr. J. Speed Smith moved to lay said bill and amendment on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Harlan and E. Smith, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Gano,	Purdum,
Messrs. Anthony,	Gardner,	Rodman,
Barnett,	Glenn,	Shawhan,
Begley,	Haggard,	Short,
Bowling, G.	Hardy,	Smith, E.
Bowling, R. C.	Hatfield,	Smith, J. Speed
Cessna,	Hay,	Sparks,
Cleveland,	Headley,	Speed,
Combs, J.	Howell,	Stone, S.
Dallam,	Hunton,	Wallace,
Dudley,	Johnston, A.	Wheat,

Elliott,
Fallis,
Ford,

Layne,
Mayes,
Murray,

Whitlock,
Whitsett,
Wortham—42.

Those who voted in the negative, were—

Messrs. Abbett,
Alexander,
Balee,
Barkley,
Barlow,
Botts,
Breedon,
Brown,
Brooks,
Clack,
Combs, L.
Conner,
Cox,
Darnaby,
Duncan,
Finnell,
Glover,

Gore,
Harlan,
Hughes,
Jackson,
Johnson, D. B.
Jones,
Kelly,
Mason,
Mayhall,
Maxey,
McCampbell,
McKellup,
Miller,
Myers,
Orndorff,
Orr,

Peters,
Pope,
Priest,
Railey,
Reid,
Riley,
Seaton,
Smith, J.
Stephens,
Stevenson,
Stone, B.
Thomas, A. W.
Thomas, W.
Thurston,
Walker,
Waller—49.

The question was then taken on adopting the amendment proposed by Mr. Mayes, and decided in the negative.

Mr. Barkley moved the following amendment as a substitute for said bill. viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That master builders, and mechanics of every denomination, contracting, in writing, to put up and erect, or repair buildings of any description, shall have a lien, in the nature of a mortgage, upon the tract, parcel, or lot of land upon which such building or buildings shall be put up and erected, or repaired, as well as upon the said building or buildings, until the price or compensation for services and for materials found, shall be fully paid and satisfied, unless a contrary stipulation be made and agreed upon at the time it is entered into: *Provided, always*, That such lien shall not have a priority over *bona fide* mortgages or legal incumbrances existing anterior to the time of the contract being made, if the said mortgage and incumbrance shall be duly recorded according to law.

SEC. 2. Every contract made and entered into as aforesaid, shall be recorded in the office of the Clerk of the County Court of the county where such buildings, as aforesaid, shall be erected, within the space of thirty days after entering into the contract, or otherwise the said lien shall cease and be inoperative.

SEC. 3. When suit shall be brought by any master builder or builders, mechanic or mechanics, upon any contract made, executed, and recorded, as aforesaid, and a judgment or decree shall be rendered in favor of such master builders or mechanics, execution for the amount of the same may be levied upon the tract, parcel, or lot of land upon which such building or buildings have been put up and erected, as well as upon the buildings and

improvements thereon erected and made; and all the right, title, and interest which the defendant had, in and to said tract, parcel, or lot of ground, at the time the contract was entered into, as well as the buildings and improvements erected and made thereon, may be sold to satisfy such judgment or decree: *Provided, nevertheless*, That nothing contained in this act shall prevent such master builder or mechanic from levying his said execution upon any judgment which he may obtain, upon any other property belonging to the person or persons against whom such judgment or decree shall have been rendered.

And the question being taken on adopting the same, it was decided in the affirmative.

The said bill was further amended by adding the following, viz:

Be it further enacted, That the first, second, and third provisions of this act, shall not apply to those counties and cities already provided for under existing laws: *Provided*, That nothing in this act shall be so construed as to overreach or supersede the lien of the vendor of real estate for the purchase money, but such lien shall remain as though this act had not passed.

Be it further enacted, That the persons furnishing lumber for buildings, shall have the same privileges extended to them as are, by the provisions of this act, given to mechanics.

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and decided in the negative, and so said bill was rejected.

The yeas and nays being required thereon by Messrs. Headley and J. Speed Smith, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Abbett,	Duncan,	Orr,
Alexander,	Finnell,	Peters,
Balee,	Glover,	Pope,
Barkley,	Harlan,	Priest,
Botts,	Hughes,	Reid,
Breeden,	Hunton,	Riley,
Brown,	Jackson,	Seaton,
Brooks,	Johnson, D. B.	Smith, J.
Clack,	Kelly,	Stephens,
Combs, L.	Maxey,	Stevenson,
Conner,	McKellup,	Thurston,
Cox,	Myers,	Walker,
Darnaby,	Orndorff,	Waller—39.

Those who voted in the negative, were—

Mr. Speaker,	Gardner,	Purdum,
Messrs. Anthony,	Glenn,	Railey,
Barlow,	Gore,	Rodman,
Barnett,	Haggard,	Shawhan,

Begley,	Hardy,	Short,
Bowling, G.	Hatfield,	Smith, E.
Bowling, R. C.	Hay,	Smith, J. Speed
Cessna,	Headley,	Sparks,
Clarke,	Howell,	Speed,
Cleaveland,	Johnston, A.	Stone, B.
Combs, J.	Jones,	Stone, S.
Dallam,	Layne,	Thomas, A. W.
Desha,	Mason,	Wallace,
Dudley,	Mayhall,	Wheat,
Elliott,	Mayes,	Whitlock,
Fallis,	McCampbell,	Whitsett,
Ford,	Miller,	Wortham—53.
Gano,	Murray,	

Mr. Peters, from the committee on Religion, reported a bill divorcing Susan Garnett from her husband, James H. Garnett, and changing her name; which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House resumed the consideration of the bill to regulate the appointment and duties of Commissioners of Tax.

Mr. Hardy moved a reconsideration of the vote ordering said bill to be engrossed and read a third time, and it was decided in the affirmative.

The said bill was then amended.

On motion of Mr. Harlan,

Ordered, That said bill be laid on the table.

The House took up, according to order, the bill to revive the Lexington and Ohio Railroad Company, and the amendments proposed thereto by the select committee, as a substitute.

The said amendment reads as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That James Harlan, Edmund H. Taylor, Harry I. Todd, H. I. Bodley, A. G. Hodges, and William R. McKee, at Frankfort; and John I. Jacobs, William H. Pope, Charles M. Strader, Thomas T. Shreve, Joshua B. Bowles, Andrew Buchanan, William Gay, William B. Clifton, James Rudd, Henry Clay, Jr., Samuel Casseday, and William Garvin, at Louisville, be, and they are hereby, appointed Commissioners, under the direction of a majority of whom, subscriptions may be received to the capital stock of the Louisville and Frankfort Railroad Company hereby incorporated, and they, or a majority of them, may cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said Company, after giving such notice of the times and places of opening the same, as they may deem proper; and after the first

opening of said books, they shall be kept open for at least days, from ten o'clock, A. M. until two o'clock, P. M.; and if, at the expiration of that period, such a subscription to the capital stock of said Company, as is necessary to the incorporation shall have not been obtained, the said Commissioners, or a majority of them, may cause the said books to be opened, from time to time, after the expiration of said five days, for the space of twelve months thereafter, or until the sum necessary to the incorporation of said Company shall be subscribed; and if any of the Commissioners shall die, resign, or refuse to act, during the continuance of the duties devolved upon them by this act, another may be appointed in his stead, by the remaining Commissioners, or a majority of them.

SEC. 2. *Be it further enacted*, That the capital stock of the Louisville and Frankfort Railroad Company, shall be one million of dollars, in shares of fifty dollars each; which may be subscribed for by any individual or corporation; and as soon as three thousand shares of the said capital stock shall be subscribed, the subscribers of the said stock, their successors and assigns, shall be, and they are hereby, declared to be incorporated into a company, by the name of the Louisville and Frankfort Railroad Company; and by that name shall be capable in law, of purchasing, holding, selling, leasing, and conveying real estate, not exceeding acres; and personal and mixed estate, so far as the same shall be necessary for the purposes hereinafter mentioned; and shall have perpetual succession, and by said corporate name, may sue and be sued, and may have and use a common seal, which they shall have power to alter or renew at their pleasure, and shall have, enjoy, and may exercise all the powers, rights, and privileges which other corporate bodies may lawfully do, for the purposes mentioned in this act.

SEC. 3. *Be it further enacted*, That if more than twenty thousand shares shall be subscribed to the capital stock of said Company, the said Commissioners, or a majority of them, shall reduce, by striking off from the largest number of shares, in succession, until the subscriptions are reduced to shares.

SEC. 4. *Be it further enacted*, That at every such subscription, there shall be paid, at the time of subscribing, to the said Commissioners, or their agents appointed to receive such subscription, either in money or a note negotiable and payable at some Bank, at sixty days date, or longer, at the option of said Commissioners, or their agents, the sum of one dollar on every share subscribed, and the residue thereof shall be paid in such instalments, and at such times as may be required by the President and Directors of said Company: *Provided*, No payment shall be demanded until at least thirty days' public notice of such demand shall have been given by the said President and Directors, nor shall more than fifty per cent. of each share of stock be called for in any one year; but if the exigencies of the Company should require the payment on the stock to be made more rapidly than is provided for herein, or should the President and Directors, or a majority of the whole number elected, consider it expedient, for the purpose of aiding the stockholders, or hastening the completion of the contemplated road, it shall be lawful for them to borrow, on the credit of said Company, a sum of money not exceeding five hundred thousand dollars; and if any subscriber shall fail or neglect to pay any instalment, or part of said subscription, demanded according to the provisions of this section, for the space of sixty days next after the time the same shall be due and payable, the stock on which it is

demanded shall be forfeited to the Company, and may be sold by the said President and Directors, for the benefit of the Company; but the President and Directors, by a majority of their whole Board, may remit any such forfeiture, on such terms as they shall deem proper.

SEC. 5. *Be it further enacted*, That if the subscription, herein made necessary to the incorporation of said Company, shall not be obtained within three years after the first opening of the subscription books by the said Commissioners, this act, and all the subscriptions under it, shall be null and void; and the said Commissioners, after discharging the expenses of opening the books, shall return the residue of the money, paid in upon such subscriptions, to the several subscribers in proportion to the sums respectively paid in by them.

SEC. 6. *Be it further enacted*, That at the expiration of the five days for which the books are first opened, if three thousand shares of capital stock shall have been subscribed, or if not, as soon thereafter as the same shall be subscribed, if within one year after the first opening of the books, the said Commissioners, or a majority of them, shall call a general meeting of the subscribers, at such time and place as they may appoint, and shall give at least twenty days' public notice thereof; and at such meeting, the said Commissioners shall lay the subscription books before the subscribers then and there present, and thereupon, the said subscribers, or a majority of them, then present, shall, from among the stockholders, elect six Directors, by ballot, to manage the affairs of said Company; and those six Directors, or a majority of them, shall have the power of electing a President of said Company, either from among the Directors or any other stockholder, and of allowing him such compensation for his services as they may deem proper; and that in said election, and on all other occasions, wherein a vote of the stockholders of said Company is to be taken, each stockholder shall be allowed one vote for every share owned by him, her, or it; and every stockholder may, in writing, depute any other person to vote for him, her, or it, as his, hers, or its proxy; and the commissioners aforesaid, or any three or more of them, shall be judges of the said first election of Directors.

SEC. 7. *Be it further enacted*, That to continue the succession of the President and Directors of said Company, six Directors shall be chosen annually, on the first Monday in May, in every year, in the city of Louisville, by the stockholders of said company; and that the Directors of said Company, or a majority of them, shall have power to appoint judges of all elections, and to elect a President of said Company, either from among the Directors, or any other stockholder, and to allow him such compensation for his services as they may deem proper; and if any vacancy shall occur by death, resignation, or refusal to act, of any President or Director, before the year for which he was elected has expired, a person to fill such vacant place, for the residue of the year, may be appointed by the President and Directors of said Company, or a majority of them; and that the President and Directors of the Company, shall hold and exercise their offices until a new election of President and Directors; and that all elections which are by this act, or the by-laws of said Company, to be made on a particular day, or at a particular time, if not made on such day, or such time, may be made at any time within thirty days thereafter.

SEC. 8. *Be it further enacted*, That a general meeting of the stockholders of said Company may be called at any time during the interval between the

annual meetings, by the President and Directors, or a majority of them, or by the stockholders owning at least one-fourth of the whole stock subscribed, upon giving thirty days' public notice of the time of holding the same, which shall be at some place in Louisville named in the advertisement; and when any such meetings are called by the stockholders, such notice shall specify the particular object of the call; and if, at any such called meetings, a majority (in value) of the stockholders of said Company are not present, in person or by proxy, such meeting shall be adjourned from day to day without transacting any business, for any time not exceeding three days, and if within said three days, stockholders having a majority (in value) of the stock subscribed, do not thus attend, such meeting shall be dissolved.

SEC. 9. *Be it further enacted*, That at the regular meetings of the stockholders of said Company, it shall be the duty of the President and Directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the Company; that at any called meeting of the stockholders, a majority (in value) of the whole stock subscribed being present, or a majority (in value) of the attending stockholders, may require similar statements from the President and Directors, whose duty it shall be to furnish them when thus required; and that at all general meetings of the stockholders, a majority (in value) of all the stockholders in said Company, may remove from office, the President or any of the Directors of said Company, and fill up vacancies thus created, in the same way, and to the same extent that they could do at their stated annual meetings.

SEC. 10. *Be it further enacted*, That every President and Director of said Company, before he acts as such, shall swear, or affirm, as the case may be, that he will well and truly discharge the duties of his said office, to the best of his skill and judgment.

SEC. 11. *Be it further enacted*, That if any of the stock created by virtue of this act, shall remain unsubscribed until after the election of the President and Directors, as provided for in the 6th section of this act, the said President and Directors, or a majority of them, shall have power to open books and receive subscriptions to any of the capital stock of said Company, which may remain unsubscribed for, or to sell, or to dispose of such unsubscribed stock, for the benefit of the Company, for any sum not under its par value; and the purchasers or subscribers of such stock, shall have all the rights, powers and privileges of original subscribers, and shall be subject to the same regulations.

SEC. 12. *Be it further enacted*, That the said President and Directors, or a majority of them, may appoint all such officers, engineers, agents, or servants whatsoever, as they may deem necessary for the transaction of the business of the Company, and may remove any of them at their pleasure; that they, or a majority of them, shall have power to determine, by contract, the compensation of all the engineers, officers, agents, servants, or others, in the employ of the said Company, and to regulate, by their by-laws, the manner of adjusting and settling all accounts against the Company; that they, or a majority of them, shall have power to erect buildings for the safe keeping of articles entrusted with them for transportation, and for workshops necessary for the business of the Company; that they, or a majority of them, shall have power to direct the manner, and by what evidence, stock in said Company may be transferred; and to pass all by-laws which they may deem necessary or proper, for exercising all the powers vested in the

Company hereby incorporated, and for carrying the object of this act into effect: *Provided only*, That such by-laws shall not be contrary to the laws of the United States, or the laws of this State.

SEC. 13. *Be it further enacted*, That if the capital stock of said Company shall be deemed insufficient for the purposes of this act, it shall and may be lawful for the President and Directors of said Company, or a majority of them, from time to time, to increase the said capital stock, by the addition of as many shares as they may deem necessary, not exceeding in amount the further sum of one million of dollars, for which they may, at their option, cause subscriptions to be received, giving notice in the manner hereinbefore prescribed, or may sell the same for the benefit of the Company, for any sum not under their par value, or may, upon the request of the stockholders representing, in interest, two-thirds of the stock, mortgage the said road to raise any sum necessary for its completion.

SEC. 14. *Be it further enacted*, That the President and Directors of said Company shall be, and they are hereby, invested with all the rights and powers necessary for the construction and repair of the Railroad from St. Clair street, in the city of Frankfort, to some one or more suitable points on the Ohio river, to be by them determined, subject to the proviso hereafter contained, not exceeding sixty six feet wide, with as many set of tracks as the said President and Directors may deem necessary; and that they may cause to be made, a contract with others, for making said Railroad, or any part of it; and they, their agents, or those with whom they may contract, for making any part of the same, or their agents, may enter upon and use and excavate any land which may be wanted for the site of said road, or the location of warehouses or other works necessary to said road, or for any other purposes necessary or useful in the construction or repair of said road or its works; and that they may build bridges, provided the same do not obstruct the navigation or navigable streams; may fix scales and weights; may lay rails; may take and use any earth, timber, gravel, stone, or other materials, which may be wanted for the construction or repair of said road, or any part of its works; and may make and construct all works whatsoever, which may be necessary and expedient in order to the proper completion of said road.

SEC. 15. *Be it further enacted*, That the President and Directors of said Company, or a majority of them, or any person or persons authorized by a majority of them, may agree with the owner or owners of any land, earth, timber, gravel, stone, or other materials, or any improvements which may be wanted for the construction or repair of any of said roads, or any of their works, for the purchase or use and occupation of the same; and if they cannot agree, and if the owner or owners, or any of them, be a *feme covert*, under age, *non compos mentis*, or out of the county in which the property wanted may lie, when such lands and materials may be wanted, application may be made to any Justice of the Peace of such county, who shall, thereupon, issue his warrant under hand and seal, directed to the Sheriff of said county, requiring him to summon a jury of twenty inhabitants of said county, not related, or in any wise interested, to meet on the land, or near to the other property or materials to be valued, on a day named in said warrant, not less than ten, nor more than twenty days after the issuing of the same; and if, at said time and place, any of said jurors summoned do not attend, the said Sheriff shall immediately summon as many jurors as may be

necessary, with the jurors in attendance, to furnish a panel of twenty jurors in attendance; and from them, each party, or its, his, or her, or their agent, if either be not present in person or by agent, the Sheriff for him, her, or it, may strike off four jurors, and the remaining twelve shall act as the jury of inquest of damages; and before they act as such, the said Sheriff shall administer to each of them an oath or affirmation, as the case may be, that they shall justly estimate the property which may be taken or appropriated to the use of the Company; and if the owner or owners of the property so taken, shall claim consequential damages beyond the value of the property so taken, as aforesaid, that then the jury shall take into the estimate the benefit resulting to such owner or owners, from constructing said Railroad through, along, or near the property of said owner or owners, but only in extinguishment of said claim for consequential damages; and the said jury shall reduce their inquisition to writing, and shall sign and seal the same, and it shall then be returned by said Sheriff to the Clerk of said county, and by such Clerk filed in his office, and shall be confirmed by said Court at its next session, if no sufficient cause to the contrary be shown, and when confirmed, shall be recorded by said Clerk, at the expense of said Company; but if set aside, the Court may direct another inquisition to be taken in the same manner above prescribed; and such inquisition shall describe the property taken, or the bounds of the land condemned, and the quantity or duration of the interest in the same valued for the Company; and such valuation, when paid, or tendered to the owner or owners of said property, or his, her or their legal representatives, shall entitle the said Company to the estate and interest in the same thus valued, as fully as if it had been conveyed by the owner or owners of the same; and the valuation, if not received when tendered, may at any time hereafter be received from the Company, without cost by the said owner or owners, his, her or their legal representative or representatives.

SEC. 16. *Be it further enacted*, That whenever, in the construction of said road or roads, it shall be necessary to cross or intersect any established road or way, it shall be the duty of said President and Directors of said Company, so to construct the said road across such established road or way, as not to impede the passage or transportation of persons or property along the same; or when it shall be necessary to pass through the land of any individual, it shall also be their duty to provide for such individual proper wagon way across said road or roads, from one part of his land to the other.

SEC. 17. *Be it further enacted*, That if the said Company shall neglect to provide proper wagon ways across said road, as required by the sixteenth section of this act, it shall be lawful for any individual to sue said Company, and be entitled to such damages as a jury may think him or her entitled to for such neglect or refusal on the part of the said Company.

SEC. 18. *Be it further enacted*, That in all cases where the said Company shall require the temporary occupancy of land, or shall require the use of earth, stone, or other material, in the construction of said road, a jury shall be summoned, as hereinbefore prescribed, and said jury shall be charged to ascertain the value of such temporary occupancy of the land, or the value of such materials, and upon a verdict being rendered, the said Company, upon tendering the amount thereof, shall have the right of possession of such land, for the time prescribed in the verdict, and the materials so by the jury valued; and the defendant shall have the right of receiving the amount so tendered,

or awaiting the decision of the Circuit Court, as hereinbefore provided for; and the inquest of the jury, after confirmation and after payment or tender of the valuation, shall be a bar to all actions for taking or using such property, whether commenced before or after such confirmation or the payment of said valuation.

SEC. 19. *Be it further enacted*, That if it shall be necessary for the said Louisville and Frankfort Railroad Company, in the selection of a route or construction of the road by them to be laid out and constructed, or any part of it, to connect the same with, or to use any turnpike road or bridge, made or erected by any Company or persons, incorporated or authorized by any law of this State, it shall be lawful for the said President and Directors, and they are hereby authorized to contract and agree with any such other corporation or persons, for the right to use any such road or bridge, or for the transfer of any of the corporate or other rights or privileges of such corporation or persons, to the said Company hereby incorporated, and every such other corporation and persons incorporated by, or acting under any law of this State, is hereby authorized to make such arrangement, contract, or transfer, by and through the agency of the persons authorized by their respective acts of incorporation, to exercise their corporate powers, or by such persons as by any law of this State, are entrusted with the direction and management of such turnpike road or bridge, or of any of the rights or privileges aforesaid; and every contract, agreement, or transfer, made in pursuance of the power and authority hereby granted, when executed by the several parties under their respective corporate seals, or otherwise legally authenticated, shall vest in the Company hereby incorporated, all such road, part of road, rights, and privileges, and the rights to use and enjoy the same, as fully, to all intents and purposes, as they are now, or might be used and exercised by the said corporations, or persons in whom the same are now vested.

SEC. 20. *Be it further enacted*, That the said President and Directors shall have power to purchase, with the funds of said Company, and place on any Railroad constructed by them under this act, all machines, wagons, vehicles, or carriages of any description whatever, which they may deem necessary or proper for the purpose of transportation on said road; and they shall have power to charge for tolls, (and the transportation of passengers,) goods, produce, merchandise, and property of any kind whatsoever, transported by them along said railway, between Frankfort and the Ohio river, any sum not exceeding the following rates, to-wit: on all goods, produce, merchandise, or property of any description whatsoever, transported by them on the railway between Frankfort and the Ohio river, it shall be lawful for them to charge, for every hundred pounds transported sixty miles or upwards, two and half mills per hundred pounds weight, for each mile; for every hundred pounds weight transported over twenty miles and under sixty miles, three mills for each mile the same may be transported; for every hundred pounds weight transported a distance not exceeding twenty miles, three and a half mills for each mile the same may be transported; and for the transportation of passengers, four cents per mile for each passenger; silver and gold bullion, money of all descriptions, and mails are excepted from the rates herein established, and for which the Company, by their President and Directors, or a majority of them, or their agents, shall be, and they are hereby, authorized to contract especially for their transportation, upon such terms as the

parties interested may agree upon; and it shall not be lawful for any other Company, or any person or persons whatsoever, to travel upon or use any of the roads of said Company, or to transport persons, or merchandise, or produce of any description whatsoever, along said roads, or any of them, without the license or permission of the President and Directors of said Company; and that the said road or roads, with all their works, improvements, and profits, and all the machinery of transportation used on said roads, are hereby vested in said Company, incorporated by this act, and their successors forever.

SEC. 21. *Be it further enacted*, That the said President and Directors of the Frankfort and Louisville Railway, or a majority of them, shall be, and they are hereby, authorized to subscribe, in their corporate capacity, for stock in any Turnpike or Railroad Company, chartered for the purpose of connecting such road with that made by this Company, upon the same conditions, and with the same privileges that is given to other stockholders, and to pay for the same out of the joint or common funds of this Company.

SEC. 22. *Be it further enacted*, That the said President and Directors shall, annually or semi-annually, declare or make such dividend as they may deem proper, of the net profits arising from the resources of said Company, after deducting the necessary current and probable contingent expenses; and that they shall divide the same amongst the stockholders of said Company, in proportion to their respective shares.

SEC. 23. *Be it further enacted*, That if any person or persons shall wilfully, by any means whatsoever, injure, impair, or destroy any part of any Railroad, constructed for said Company under this act, or any of their necessary works, buildings, carriages, vehicles, or machinery of said Company, such person or persons, so offending, shall, each of them, for every such offence, forfeit and pay the said Company, a sum equal to the value of the property destroyed or injured, which may be recovered in the name of the said Company, by an action of debt in the Circuit Court of the county wherein the offence shall be committed; and shall also be subject to indictment in said Court, and upon conviction of such offence, shall be punished by imprisonment, not less than six months, nor more than four years, in the discretion of the jury.

SEC. 24. *Be it further enacted*, That if this road shall not be commenced within three years from the first day of May next ensuing the passage of this act, and shall not be finished in ten years from the time of the commencement thereof, then this act shall be null and void.

SEC. 25. *Be it further enacted*, That full right and privilege is hereby reserved to the citizens of this State, or any Company hereafter to be incorporated under the authority of this State, to connect with the road hereby provided for, any other Railroad leading from the main route, and diverging therefrom at an angle of twenty degrees or more, to any part or parts of the State: *Provided*, That in forming such connection, no injury be done to the works of the Company hereby incorporated.

SEC. 26. *Be it further enacted*, That so soon as the Company shall have completed fifteen miles of their route, they may commence and prosecute their business upon the terms, and upon the stipulations herein provided for, as though the whole work was completed.

SEC. 27. *Be it further enacted*, That the Government of the United States shall be, and they are hereby permitted to hold stock in the corporation crea-

ted by this act, upon the same terms, on the same conditions, and subject to the same restrictions that other stockholders are: *Provided*, The amount subscribed shall not exceed one fourth of the whole amount of the capital stock.

SEC. 28. That this Commonwealth hereby releases to the said Company, all its right, whether in property or way, immunity or privilege, in the said road from Frankfort to Louisville, including the piers of the Bridge across the Kentucky river: *Provided, however*, The said Company shall first set apart and enter on their books, one hundred thousand dollars of stock, to be held and received by the said Commonwealth, as other stock under this charter, and considered as so much cash paid in.

SEC. 29. That in constructing the said Railroad, no iron rail, of less than fifty pounds per lineal yard of rail, shall be laid down, except for turn-outs or sideling tracks; and said Company shall have the right of extending, and is hereby authorised to extend the Railroad from Lexington to the State line, through Winchester and Mountsterling, to the State line, on the route to meet the Baltimore and Ohio Railroad, or the Virginia Railroad, under this charter.

SEC. 30. That it shall and may be lawful for said Railroad Company, to branch the said road, and run lines to points within the Commonwealth, on the terms mentioned in this act; and also for new companies, hereafter to be incorporated, to unite with this road; and the said Company, hereby incorporated, shall not charge for freight or passengers brought on it from other Railroads, as above permitted, any more than the regular rate charged on this road from end to end, *pro rata*.

SEC. 31. That the President and Directors of the said Louisville and Frankfort Railroad Company, shall have the right of terminating this road at a point on the Ohio river, somewhere within the present corporated limits of the city of Louisville: *Provided*, A majority of the Mayor and Council agree thereto; and it shall be lawful for the said city to subscribe for stock in the said road: *Provided*, The citizens of Louisville, at a public meeting to be called for that purpose, request the Mayor and Council so to do. And it shall be lawful for the said city to raise the amount of its subscription, as it shall be called by the President and Directors of said road, by a tax on the real and personal estate, or either, within the said city, or by borrowing the amount thereof, payable in the way, and on the terms the said Mayor and Council may deem most advisable; and the said city may provide for the payment of principal and interest, of any sum borrowed, by taxation on the real and personal estate, or either, within the said city.

SEC. 32. *Be it further enacted*, That a line of Railroad from Lexington to Maysville, may be commenced whenever a separate subscription for stock shall be made, sufficient to complete it, according to the estimate of a competent Engineer; and books are hereby authorised to be opened, by Commissioners, under the appointment of the City Council of Maysville, at such places as said Council may select, within one year from the passage of this act, after giving due notice in three public newspapers of this State; and as soon as said subscription shall be completed, the subscribers for the said stock, their successors and assigns, shall be, and they are hereby, incorporated into a Company, by the name of the Maysville and Lexington Railroad Company, and invested with all the general powers and privileges, and subjected to the same limitations and restrictions contained in this act, and applied to the Louisville and Frankfort Railroad Company. And the city of Maysville,

the city of Louisville, and the Frankfort and Louisville Railroad Company, shall each, in their corporate capacity, have the right of subscribing for any amount of stock.

Mr. B. Stone moved to lay said bill and amendment on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. B. Stone and Headley, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Abbett,	Hardy,	Short,
Anthony,	Hatfield,	Sparks,
Barlow,	Headley,	Speed,
Begley,	Howell,	Stone, B.
Bowling, G.	Johnston, A.	Stone, S.
Brooks,	Layne,	Thomas, W.
Cessna,	Mason,	Walker,
Dudley,	Mayes,	Wallace,
Fallis,	Murray,	Wheat,
Gano,	Orr,	Whitlock,
Gardner,	Priest,	Wortham—35.
Haggard,	Shawhan,	

Those who voted in the negative, were—

Mr. Speaker,	Elliott,	Myers,
Messrs. Alexander,	Ford,	Orndorff,
Balee,	Finnell,	Peters,
Barkley,	Glenn,	Pope,
Botts,	Glover,	Railey,
Bowling, R. C.	Gore,	Reid,
Breeden,	Harlan,	Riley,
Brown,	Hay,	Rodman,
Clack,	Hughes,	Seaton,
Clarke,	Hunton,	Smith, E.
Cleveland,	Jackson,	Smith, J.
Combs, J.	Johnson, D. B.	Smith, J. Speed
Combs, L.	Jones,	Stephens,
Conner,	Mayhall,	Stevenson,
Cox,	Maxey,	Thomas, A. W.
Darnaby,	McC Campbell,	Thurston,
Desha,	McKellup,	Waller,
Duncan,	Miller,	Whitsett—54.

Mr. J. Speed Smith moved to amend the amendment by adding the following, viz:

Be it further enacted, That said Company shall pay, in annual instalments, the payments to commence at the end of twelve months after the Company shall commence running cars on said road, \$25,000, until \$100,000 shall be paid into the Treasury of this Commonwealth; which \$100,000 shall be in full compensation, and in lieu of the stock in the foregoing sections, at the option of the Legislature, for all sums expended heretofore by

the State, in work done on said road; and the Company shall, thereby, become the sole and proper holders and proprietors of said road, as indicated and specified in this bill.

And the question being taken on adopting the same, it was decided in the affirmative.

The said bill was further amended by adding the following, viz:

Be it further enacted, That whenever the profits of said Company shall yield a dividend of six per cent. upon the amount of the capital actually paid, it shall be lawful for the General Assembly to tax the transportation of passengers and freight, or burdens upon said road, at a rate not exceeding half of one cent per mile for passengers, and not exceeding one cent per ton per mile, for merchandise, produce, and all other articles: *Provided*, That no tax shall be imposed, the effect of which is to reduce the dividends below six per cent. per annum.

The question was then taken on the adoption of the amendment, as amended, and decided in the affirmative.

The question was then taken on engrossing and reading said bill a third time, as amended, and decided in the negative, and so the said bill was rejected.

The yeas and nays being required thereon by Messrs. Mason and W. Thomas, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Dallam,	Peters,
Messrs. Alexander,	Darnaby,	Pope,
Balee,	Ford,	Reid,
Bowling, R. C.	Finnell,	Riley,
Breeden,	Glenn,	Rodman,
Brown,	Glover,	Seaton,
Clack,	Hughes,	Smith, E.
Clarke,	Jackson,	Smith, J.
Cleaveland,	Jones,	Stephens,
Combs, J.	Mayhall,	Stevenson,
Combs, L.	McKellup,	Thomas, A. W.
Conner,	Miller,	Waller—38.
Cox,	Orndorff,	

Those who voted in the negative, were—

Messrs. Abbett,	Harlan,	Priest,
Anthony,	Hardy,	Purdum,
Barkley,	Hatfield,	Railey,
Barlow,	Hay,	Shawhan,
Barnett,	Headley,	Short,
Begley,	Howell,	Smith, J. Speed
Botts,	Hunton,	Sparks,
Bowling, G.	Johnson, D. B.	Speed,
Brooks,	Johnston, A.	Stone, B.
Cessna,	Kelly,	Stone, S.

Desha,
Dudley,
Duncan,
Elliott,
Fallis,
Gano,
Gardner,
Gore,
Haggard,

Lapsley,
Layne,
Mason,
Mayes,
Maxey,
McCampbell,
Murray,
Myers,
Orr,

Thomas, W.
Thurston,
Walker,
Wallace.
Wheat,
Whitlock,
Whitsett,
Wortham—56.

A message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that he had approved and signed enrolled bills which originated in this House, of the following titles, viz :

An act to incorporate the town of Midway, in Woodford county.

An act to extend the corporate limits of Newport, and for other purposes

An act to amend an act, entitled, an act to provide for taking the sense of the people of Mason county, relative to the Seat of Justice of said county, approved February 1, 1845.

An act for the benefit of William P. Blackstone.

An act for the benefit of Conrad Havens.

Approved February 17, 1846.

A message was received from the Senate, announcing the passage of a bill from this House, entitled, an act to remodel and change the Judicial Districts, and equalize the labors of the Circuit Judges, with amendments.

Mr. Peters, from the committee on Religion, to whom was referred a bill from the Senate, entitled, an act to divorce Louisa Gray, reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

On motion of Mr. Hardy,

Ordered, That Mr. Clarke be added to the committee on Claims.

Mr. Harlan, from the committee on the Judiciary, reported the following bills, viz :

A bill for the relief of John S. Lucas, of Warren county.

A bill for the benefit of Winston Roberts.

A bill to enlarge the boundaries of the town of Owensboro', in Daviess county.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the Senate, by Mr. Patterson, asking leave to withdraw their report announcing their disagreement to a bill from this House, entitled, an act divorcing Joseph W. Tate from his wife, Mary C. Tate; which was granted, and the bill was withdrawn.

Mr. Waller moved the following resolution, viz:

Resolved, That during the remainder of the session, each standing committee shall be, in turn, entitled to one hour to make their reports, during the hours allotted for such reports.

Which was adopted.

Mr. Harlan, from the committee on the Judiciary, to whom was referred the bill to amend the penal laws, reported the same with an amendment.

And then the House adjourned.

WEDNESDAY, FEBRUARY 18, 1846.

A message was received from the Senate, announcing their disagreement to a bill from this House, entitled, an act divorcing Thomas Stark.

That they had passed bills from this House, of the following titles, viz:

An act divorcing Edward Farrar and Martha Farrar.

An act for the benefit of the Covington and Lexington Turnpike Company, and for other purposes.

An act for the benefit of Thomas Howser, of Monroe county.

An act divorcing Jesse Gee from his wife, Elizabeth Gee.

That they had passed bills of the following titles, viz:

An act to amend the revenue laws.

An act to change the name of Eufracia Hendrix to that of Eufracia Smith, and to change the name of Benjamin Thomas Sparr.

An act for the benefit of the Louisville Tobacco Warehouse.

An act for the benefit of Common Schools in Laurel, Livingston, and Greenup counties.

And had received official information from the Governor, announcing that he had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act to incorporate the Cook Benevolent Institution.

An act for the benefit of Joseph S. N. and James M. Dicken.

An act for the benefit of James C. Price and Mary C. Price.

- An act for the benefit of Elizabeth Williams.
- An act for the benefit of James Pittman.
- An act concerning the Barren Circuit Court.
- An act to reduce the number of Justices of the Peace in Spencer county.
- An act establishing a chancery term of the Clarke Circuit Court.
- An act to change the venue in the prosecution against Addison, a slave.
- An act for the benefit of James G. Dilly, of Barren county.
- An act to divorce Ann Eliza Holtzclaw.
- An act to change the name of the town of Landing, in Boone county, to that of Hamilton, and to appoint Trustees for said town.
- An act for the benefit of William F. Colston and Mary E. Colston.
- An act for the benefit of the Christian Church in Winchester, Clarke county.
- An act for the benefit of the Methodist Episcopal Church, South, in Hopkinsville.
- An act to amend the charter of the town of Keene, in the county of Jessamine.
- An act for the benefit of Mary N. Gwynn.
- An act to change the name of Susan Baker.
- An act to authorize the Trustees of Cadiz to sell a part of a street in said town.
- An act for the benefit of the widow and heirs of Samuel Howard, deceased.
- An act for the benefit of Catharine H. Willis, and her infant children.
- An act to incorporate the Campbell Turnpike Road Company.
- An act to amend an act, entitled, an act to amend the several laws of this Commonwealth relative to the duties of Clerks of Courts, approved February 2, 1841.
- An act allowing Martin Fugate, late Sheriff of Pendleton county, further time to return his delinquent lists of muster fines, and for other purposes.
- An act providing for the support of an additional number of pupils in the Deaf and Dumb Asylum at Danville.
- An act for the benefit of the County Court Clerks of Floyd and Pike counties.
- An act concerning the town of Glasgow.
- An act for the divorce of Mary E. Herndon and Reuben Herndon.
- An act for the benefit of Maria T. Taylor.
- An act for the benefit of the School Commissioners of Carroll county.
- An act to provide for a change of venue in the prosecution against Enoch Stephens.
- An act for the benefit of the Sheriff of Laurel county.
- An act for the benefit of the Sheriff of Shelby county.

An act to authorize the appointment of a Police Judge for the town of Athens, in Fayette county.

An act to amend the law regulating the election of Trustees in the town of Port Oliver, in Allen county, and the town of Hopkinsville.

An act for the benefit of Carol Kendrick.

An act to change the name of Wm. Mahan to William Nelson Rice.

An act for the benefit of Sabina Turpin, and others.

An act to amend the road law in Greenup county.

Approved February 17, 1846.

1. Mr. Haggard presented the petition of the members of the bar and sundry citizens of Cumberland county, praying an extension of the terms of the Cumberland Circuit Court.

2. Mr. D. B. Johnson presented the petition of sundry citizens of Trimble county, praying that an additional Constable be allowed to said county.

3. Mr. Harlan presented the petition of Francis H. Moffett, and others, praying the passage of a law authorizing the Franklin Circuit Court to decree a sale of real estate.

Which were received, the reading thereof dispensed with, and referred: the 1st and 3d to the committee on the Judiciary, and the 2d to Messrs. D. B. Johnson, Miller and Clarke.

Mr. L. Combs, from the committee on Ways and Means, reported a bill to limit the sale of spirituous liquors in Greenup county; which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardy, from the committee on Claims, to whom was referred a bill from the Senate, entitled, an act to establish a portion of the line between the States of Kentucky and Tennessee, reported the same without amendment,

The said bill was then amended.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be amended to read, "an act for the benefit of C. A. Wilson and S. Duncan."

The House then took up the amendments proposed by the Senate, to a bill from this House, entitled, an act to re-model and change the Judicial Districts, and equalize the labors of the Circuit Judges.

The second section of said bill reads as follows, viz:

That the county of Harrison shall be added to, and compose a part of the tenth Judicial District.

The first amendment of the Senate to said bill, was to strike out the word "tenth," in said section, and insert in lieu thereof the word "third."

And the question being taken on concurring in said amendment of the Senate, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Desha and Shawhan, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker.	Haggard,	Peters,
Messrs. Abbett,	Harlan,	Pope,
Alexander,	Hay,	Railey,
Barkley,	Headley,	Reid,
Botts,	Howell,	Seaton,
Bowling, G.	Hughes,	Smith, J.
Breeden,	Hunton,	Smith, J. Speed
Brown,	Jackson,	Sparks,
Clack,	Johnston, A.	Speed,
Clarke,	Jones,	Stephens,
Combs, J.	Kelly,	Stevenson,
Cox,	Layne,	Stone, B.
Darnaby,	Mason,	Thomas, A. W.
Dudley,	Mayhall,	Thomas, W.
Duncan,	Mayes,	Wallace,
Ford,	McCampbell,	Waller,
Finnell,	McKellup,	Wheat,
Glenn,	Myers,	Whitsett,
Glover,	Orndorff,	Wortham—58.
Gore,		

Those who voted in the negative, were—

Messrs. Barlow,	Fallis,	Murray,
Begley,	Gano,	Orr,
Brooks,	Gardner,	Priest,
Cessna,	Hardy,	Rodman,
Cleaveland,	Hatfield,	Shawhan,
Combs, L.	Johnson, D. B.	Short,
Conner,	Maxey,	Smith, E.
Desha,	Miller,	Walker—25.
Elliott,		

The balance of the amendments proposed by the Senate to said bill, were then concurred in.

The amendments proposed by the Senate, to bills from this House of the following titles, viz:

An act for the benefit of John Rogers' children.

An act for the benefit of the Sheriff of Union county.

An act for the benefit of the Fayette Rifle Company.

An act to repeal an act, entitled, an act to amend an act incorporating the town of Columbia, approved February 27, 1844.

An act for the benefit of the heirs of Hubbard B. Smith, deceased.

An act to abolish an election precinct in the county of Gallatin, and for other purposes.

An act for the benefit of Jacob White, Sheriff of Fulton county.

An act to repeal, in part, an act, entitled, an act to amend the charter of the Louisville and Elizabethtown Turnpike Company, and Covington and Lexington Turnpike Company, approved February 7, 1845.

Were taken up, twice read, and concurred in.

The House resumed the consideration of the bill to amend the penal laws, and the amendment proposed thereto as a substitute for said bill.

The said amendment was then concurred, and the bill, as amended, reads as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, as follows:* That from and after the first day of August next, it shall not be lawful for any free negro or mulatto to be engaged in the manufacture of whiskey, brandy, or other spirituous liquors: *Provided, however,* That the provisions herein shall not apply to any free negro or mulatto laboring as a hireling for any free white person.

SEC. 2. From and after the date aforesaid, it shall not be lawful for any free negro or mulatto to sell, in any quantity, to any person, any whiskey brandy, or any other spirituous liquors.

SEC. 3. Any free negro or mulatto, violating any of the provisions of the foregoing two sections of this act, shall be liable to indictment by a grand jury of the county in which the offence may be committed, and fined in any sum not less than fifty dollars, nor more than three hundred dollars, and stand committed until the fine and costs are paid: one half of the fine, when collected, shall belong to the Commonwealth, and the other half to the attorney conducting the prosecution.

SEC. 4. It shall be the duty of every Justice of the Peace within this Commonwealth, upon complaint made to him, that any free negro or mulatto has violated either of the foregoing provisions of this act, in the county of such Justice, to issue his warrant, directed to the Sheriff or any Constable of such county, and cause the free negro or mulatto suspected, to be brought before him; and if, upon investigation, it shall appear to such Justice that the defendant is guilty, it shall be the duty of the Justice to require bail, in any sum not less than one hundred dollars and not more than six hundred dollars, for the appearance of such defendant, to the next Circuit Court to be held for the county; and upon failure to give bail, the defendant shall be committed to the jail of the county, there to remain until discharged by due course of law.

SEC. 5. The act, entitled, "an act to prevent the future migration of free negroes or mulattos to this State, approved February 23d, 1808," is hereby repealed.

SEC. 6. From and after the passage of this act, it shall not be lawful for any free negro or mulatto to migrate or be brought into this State, from any Territory or State within the United States, or elsewhere; and if any free negro or mulatto shall migrate, or be transported, or be brought into this State, and remain herein for the term of thirty days, in contravention of

this act, he or she or they shall be liable to arrestation, and to be proceeded against in the following manner, to-wit: any citizen of this Commonwealth having knowledge that any such free negro or mulatto is within any county of this State, contrary to this act, shall or may arrest the said free negro or mulatto, and bring him or her before some Justice of the Peace of his county, to be dealt with according to law; or he may apply to a Justice of the Peace for said county, who, upon information of the same, is required to issue his warrant to cause the said free negro or mulatto to be brought before him or some other Justice of said county, to be dealt with agreeably to law, directed to the Sheriff or some Constable of his county, or any other person whom the said Justice may designate; whose duty it shall be to execute the said warrant and bring the said free negro or mulatto before the said Justice, or some other Justice of said county.

SEC. 7. It shall be the duty of the Justice of the Peace before whom any free negro or mulatto, as aforesaid, shall be brought as aforesaid, to cause a jury of house-keepers to be empanelled; and if, upon examination of the evidence which may be introduced, the said jury shall find that such free negro or mulatto has migrated or been transported or brought into this State, and continued herein in contravention of this act, it shall be the duty of the said Justice to require the said free negro or mulatto to enter into recognizance, with one or more good securities, in the sum of five hundred dollars, payable to the Commonwealth, conditioned for the payment of the costs of said prosecution, and that said free negro or mulatto will depart and remove without the limits of this State, within ninety days from the date of said recognizance, and never more return within the limits of the same; and, upon failure to give such recognizance, the said Justice shall make an order, to be executed by the Sheriff or any Constable of the county, for the immediate sale of the said free negro or mulatto as aforesaid, to the highest bidder, for and during the term of one year; and the Sheriff or Constable shall proceed to sell the said free negro or mulatto as aforesaid, to the highest bidder, at one year's credit, taking bond and security from the purchaser, payable to the Commonwealth, and to have the force and effect of a replevin bond, and upon which an execution may issue if not paid at maturity; and all moneys so received, shall be one third for the person prosecuting, the other two thirds, deducting expenses of prosecution, in aid of the jury fund, to be collected by the Trustee of the jury fund of the county in which the prosecution is had.

SEC. 8. It shall be the duty of the officer taking bond for the hire of such free negro or mulatto, to return the same to the Clerk's office of the Circuit Court of the county, within ten days from the time of taking the same; and upon failure, shall be liable to pay a fine of twenty five dollars, recoverable by presentment or indictment in the Circuit Court, or by warrant for debt, before any Justice of the Peace of the same county, to be applied as other fines are by law.

SEC. 9. The same proceedings may be had against any such free negro or mulatto, as often as he, she or they shall be found within any county in this State, after the time assigned for his or her departure out of this State.

SEC. 10. Any action or prosecution which shall be brought for a violation of any of the provisions of this act, may be commenced at any time within five years from the commission of the offence, or the accrual of the cause of action, and not after.

SEC. 11. *Be it further enacted*, That no free negro shall, at any time, under the penalties of this act, give to any slave any spiritous liquors whatever.

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Brown and E. Smith, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Abbett,	Glenn,	Orr,
Alexander,	Glover,	Peters,
Balee,	Gore,	Pope,
Barkley,	Haggard,	Priest,
Barlow,	Harlan,	Railey,
Botts,	Hatfield,	Reid,
Bowling, R. C.	Hay,	Riley,
Brooks,	Howell,	Seaton,
Combs, J.	Hughes,	Smith, J.
Combs, L.	Hunton,	Smith, J. Speed
Conner,	Jackson,	Speed,
Dallam,	Jones,	Stephens,
Darnaby,	Kelly,	Stone, B.
Desha,	Mason,	Thomas, A. W.
Duncan,	Mayhall,	Thomas, W.
Elliott,	Mayes,	Wallace,
Evans,	McC Campbell,	Waller,
Fallis,	Murray,	Wheat,
Ford,	Myers,	Whitlock,
Finnell,	Orndorff,	Wortham—61.
Gardner,		

Those who voted in the negative, were—

Mr. Speaker,	Gano,	Purdom,
Messrs. Anthony,	Hardy,	Shawhan,
Begley,	Headley,	Short,
Bowling, G.	Johnson, D. B.	Smith, E.
Brown,	Johnston, A.	Sparks,
Cessna,	Layne,	Stevenson,
Clack,	Maxey,	Stone, S.
Cleveland,	McKellup,	Walker—26.
Cox,	Miller,	

Resolved, That the title thereof be as aforesaid.

Mr. Dallam, from the committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act to incorporate the town of Somerset.

An act to divorce Louisa Gray.

An act for the benefit of William Ramsey, Elisha Gardner, and John B. Cobb.

An act for the benefit of the widow and heirs of Frederick Adkins, deceased.

An act to incorporate the Calliopean Institute of Murray.

An act allowing an additional Constable to Marion and Nelson counties.

An act to amend an act incorporating the town of Raywick.

And bills which originated in this House, of the following titles, viz:

An act for the benefit of William B. Howard.

An act for the benefit of certain Sheriffs.

An act for the benefit of Joseph B. O'Rear.

An act to authorize the Trustee of the Craddock Fund to surrender his trust, and to constitute a permanent board to manage the same.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Dallam inform the Senate thereof.

A message was received from the Senate, announcing that they passed a bill from this House, entitled, an act to incorporate the Lawrence county Coal Mining Company, with an amendment.

Mr. Harlan, from the committee on the Judiciary, to whom was referred a bill from the Senate, entitled, an act to amend the act concerning slaves, approved February 5th, 1845, and for other purposes, reported the same with an amendment.

The said bill reads as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That so much of the 3d section of an act, approved February 5, 1845, entitled, an act to amend an act, entitled, an act to amend the law concerning slaves, and for other purposes, approved January 28, 1830, as requires persons convicted of an attempt to entice away a slave or slaves from the service of their owner or owners, to give security, be and the same is hereby repealed; and that, hereafter, if any person shall be convicted of an attempt to persuade or entice away any slave or slaves from the service or employment of their lawful owner or owners, or the person in possession, within this Commonwealth, that each and every person so offending, shall, on conviction thereof, be confined in the Jail and Penitentiary house of this Commonwealth, for a period not less than one year nor more than five years, at the discretion of a jury.

SEC. 2. That hereafter, when any person or persons be guilty of having excited any slave or slaves within this Commonwealth, to insurrection or rebellion, or *insubordination* to the lawful authority of the owner or owners of such slave or slaves, by any means whatever, such person or persons so offending, shall be subject to an indictment of a grand jury of the county in which the offence may have been committed, and upon conviction thereof, may be sentenced to confinement in the Jail and Penitentiary for a period not less than five nor more than twenty years, in the discretion of a jury.

SEC. 3. That any person or persons who shall wickedly and maliciously attempt to excite to insurrection, rebellion, or insubordination, any slave or slaves within this Commonwealth, by holding oral discourse with such slave or slaves, or by delivering to or disseminating, directly or indirectly amongst the slaves, any newspaper, pamphlet, or other document, either written or printed, calculated to produce insurrection, rebellion, or insubordination, shall be deemed guilty of a high misdemeanor, and shall be subject to indictment, and on conviction thereof, shall be fined any sum not less than five hundred nor more than one thousand dollars; and on failure to pay the same, shall be committed to the Jail of the county, there to remain until said fine and all the costs of the prosecution, Jailor's fees included, shall be paid.

SEC. 4. That if any person shall, hereafter, be found without the limits of this Commonwealth, and within the limits of any State where slavery is not allowed by law, aiding, abetting, harboring, concealing, or assisting any slave or slaves belonging to any citizen of this Commonwealth, to make his, her or their escape from their lawful owner or owners, such person or persons, so offending, shall be deemed guilty of enticing away such slave or slaves, or either of them may have resided, unless the contrary be proven by at least two credible witnesses, and such person or persons shall, on conviction of any such offence, be confined in the Jail and Penitentiary house of this Commonwealth, for a period not less than one year nor more than five years.

SEC. 5. That if any free negro or mulatto shall be guilty of either of the offences heretofore enumerated in this act, he or she shall, on conviction thereof, be confined in the Jail and Penitentiary house of this Commonwealth, for a period not less than five nor more than twenty years.

SEC. 6. That it shall be the duty of each of the Circuit Judges of this Commonwealth, to give this act in charge to each and every grand jury summoned before their respective Courts, and to see that it is faithfully executed.

The amendment proposed by the committee was to strike out the fourth section of this bill and insert in lieu thereof the following, viz:

If any person shall, by agent or otherwise, entice, persuade, aid, or assist a slave to escape from this State, he shall be guilty, under this and the statutes now in force on this subject, although the slave may not have actually escaped. If any person shall have harbored or assisted a fugitive slave from this State, at any place on his route, with the intent to prevent his arrest or to facilitate his flight, this shall be prima facie evidence of the having assisted in the original act of escape from his master in Kentucky.

The said amendment was then concurred in.

Ordered, That said bill, as amended, be referred to a committee of the whole House for this day.

The House, accordingly, resolved itself into a committee of the whole, on said bill, Mr. Finnell in the Chair; and after some time spent therein, the Speaker resumed the Chair, when Mr. Finnell reported that the committee had, according to order, had under consideration the bill aforesaid, and had instructed him to report the same to the House without amendment.

Mr. E. Smith moved to lay said bill on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Harlan and E. Smith, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Begley,	Glover,	Railey,
Bowling, G.	Hay,	Rodman,
Clack,	Headley,	Shawhan,
Cleaveland,	Hunton,	Short,
Combs, J.	Johnson, D. B.	Smith, E.
Cox,	Johnston, A.	Sparks,
Dudley,	Layne,	Stone, B.
Elliott,	Mayes,	Stone, S.
Fallis,	McKellup,	Thomas, W.
Gano,	Orndorff,	Wheat—32.
Gardner,	Purdom,	

Those who voted in the negative, were—

Mr. Speaker,	Ford,	Orr,
Messrs. Abbett,	Finnell,	Peters,
Alexander,	Glenn,	Priest,
Anthony,	Gore,	Reid,
Balee,	Haggard,	Riley,
Barkley,	Harlan,	Seaton,
Barlow,	Hardy,	Smith, J.
Botts,	Hatfield,	Smith, J. Speed
Brawner,	Howell,	Speed,
Breeden,	Hughes,	Stephens,
Brown,	Jackson,	Stevenson,
Brooks,	Jones,	Thomas, A. W.
Cessna,	Kelly,	Thurston,
Combs, L.	Mason,	Walker,
Conner,	Mayhall,	Wallace,
Dallam,	Maxey,	Waller,
Darnaby,	McCampbell,	Whitlock,
Desha,	Miller,	Whitsett,
Duncan,	Murray,	Wortham—59.
Evans,	Myers,	

Mr. Harlan moved to amend said bill by striking out the fourth section, and it was decided in the affirmative.

Mr. Harlan moved to amend said bill further, by striking out the third section of said bill, and it was decided in the affirmative.

Mr. Combs moved to amend said bill in the second section, by striking out the words "or insubordination," printed in italics, and it was decided in the affirmative.

Mr. Brown moved to amend said bill in the second section, by inserting after the word "rebellion," the words "against the Commonwealth or," and it was decided in the affirmative.

Ordered, That the said bill, as amended, be read a third time.

Mr. E. Smith moved that said bill have its third reading now, and it was decided in the affirmative.

The said bill was then read a third time.

The question was then taken on the passage of said bill, and decided in the affirmative.

The yeas and nays being required thereon by Messrs. S. Stone and E. Smith, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Abbett,	Gardner,	Priest,
Alexander,	Glenn,	Purdom,
Balee,	Gore,	Railey,
Barkley,	Haggard,	Reid,
Barlow,	Harlan,	Riley,
Botts,	Hardy,	Rodman,
Breeden,	Hatfield,	Short,
Brown,	Hay,	Smith, J.
Brooks,	Headley,	Smith, J. Speed
Cessna,	Howell,	Speed,
Combs, J.	Hughes,	Stephens,
Combs, L.	Hunton,	Stevenson,
Conner,	Jackson,	Stone, B.
Cox,	Johnston, A.	Thomas, A. W.
Dallam,	Jones,	Thomas, W.
Darnaby,	Kelly,	Thurston,
Desha,	Maxey,	Walker,
Duncan,	McCampbell,	Waller,
Elliott,	Murray,	Wheat,
Evans,	Myers,	Whitlock,
Ford,	Orndorff,	Whitsett,
Finnell,	Orr,	Wortham—68.
Gano,	Peters,	

Those who voted in the negative, were—

Mr. Speaker,	Dudley,	McKellup,
Messrs. Anthony,	Fallis,	Seaton,
Begley,	Glover,	Shawhan,
Bowling, G.	Johnson, D. B.	Smith, E.
Brawner,	Layne,	Sparks,
Clack,	Mason,	Stone, S.
Clarke,	Mayhall,	Wallace—23.
Cleaveland,	Mayes,	

Resolved, That the title thereof be as aforesaid.

Mr. Barlow presented the memorial of Miss D. L. Dix, in relation to the Penitentiary, Jails, Poor Houses, &c.

Ordered, That the Public Printer forthwith print 500 copies of said memorial for the use of the members of this House.

And then the House adjourned.

THURSDAY, FEBRUARY 19, 1846.

Mr. Layne presented the petition of sundry citizens of Johnson county, praying for an additional Constable to said county; which was received and referred to the committee on Propositions and Grievances.

A message was received from the Senate, announcing that they had passed bills from this House of the following titles, viz:

An act for the relief of Henry Blanton and Robert Snell, executors of Carter Blanton, deceased.

An act for the benefit of Frederick Potter.

That they had passed bills of the following titles, viz:

An act to allow to the county of Lincoln an additional Justice of the Peace.

An act to allow an additional Justice of the Peace to Washington county.

Mr. E. Smith, from the committee on the Expenditures of the Board of Internal Improvement, made the following report, viz:

The committee on the Expenditures of the Board of Internal Improvement, beg leave respectfully to report: That it appears from the report of said Board, that they have expended on Turnpike Roads, &c. &c., the sum of - - - \$ 21,789 35
Of which, under an act of the last General Assembly, this sum went to repair Lock and Dam No. 1, on Barren river, - - - 10,000 00

Leaving their expenditures otherwise, - - - \$ 11,789 35

The objects of those expenditures are as follows:

PAID TO TURNPIKE ROADS.

Georgetown and Williamstown road,	-	-	-	-	-	\$ 1,623 33
George McDonald and others,	-	-	-	-	-	135 33
Frederic Ashring,	-	-	-	-	-	485 19
Cornwall & Brother,	-	-	-	-	-	133 33
Total to Georgetown and Williamstown road,	-	-	-	-	-	\$ 2,377 18
Mountsterling and Maysville road,	-	-	-	-	-	2,070 05
Louisville and Mouth of Salt river road,	-	-	-	-	-	425 68
Elizabethtown and Bell's Tavern road,	-	-	-	-	-	1,263 27
Logan, Todd and Christian road,	-	-	-	-	-	1,242 93
Bardstown and Green River road—T. O. Nevill and others,	-	-	-	-	-	146 30
Owingsville and Big Sandy road—P. Pomeroy,	-	-	-	-	-	114 00
Muldrow's Hill road—William Douglass,	-	-	-	-	-	1,145 93
Mountsterling and Virginia line road—Samuel May,	-	-	-	-	-	399 75
Glasgow and Scottville road—Tom Shea,	-	-	-	-	-	512 72
Springfield and Bardstown road—Thomas G. Thompson and others,	-	-	-	-	-	883 42
Total to Turnpike Roads,	-	-	-	-	-	\$ 10,581 23
Rolling Fork bridge—J. K. & J. B. Morehead,	-	-	-	-	-	990 36
Goose Creek descending navigation,	-	-	-	-	-	22 76
Licking River Navigation—Wm. DeCourcy,	-	-	-	-	-	195 00
Total as above, for expenditures other than Barren river Lock,	-	-	-	-	-	\$ 11,789 35

Except the sum of \$399 75, paid to the Mountsterling and Virginia line road, and \$195 to Licking River Navigation, under authority of acts of the last General Assembly, the balance was paid to claimants on various Turnpike road Companies, in pursuance of the provisions of an act of the Legislature of 1843-4.

The committee have examined the several receipts constituting these aggregate expenditures, and find that the same were paid in conformity with the provisions of existing laws.

The committee will further add, that before making payments to the Turnpike roads, the Board of Internal Improvement, appear to have taken every necessary precaution to prevent fraud upon the State, by requiring the President and Treasurers of each Company to file a statement on oath, setting forth the amount of their indebtedness, and the names of the several persons to whom debts were due and owing.

The Board of Internal Improvement report further, that they have collected tolls from the Kentucky River Navigation, for the year ending Dec. 31st, 1845, amounting to this sum, \$ 34,345 61
Of which they had paid into the Treasury, the sum of - - - 25,456 94

\$ 8,888 67

Leaving the sum of \$8,888 67, for various expenditures, including not only the expense of keeping the works on the Kentucky river in repair, but every other expense to which the Board are subject, as follows:

Paid salaries of Gate Keepers,	- - - - -	\$ 1,163 50
Paid James Davidson, a member,	- - - - -	106 00
Paid A. G. Hodges and W. Tanner, for printing,	- - - - -	55 68
Paid for graveling dam No. 4,	- - - - -	265 81
Paid postages,	- - - - -	18 10
Paid for Lock Gates and timber,	- - - - -	1,196 36
Paid disbursements by T. Conn,	- - - - -	1,655 52
Paid T. Conn, salary for two years ending October 1, 1845,	- - - - -	1,200 00
Paid freight on various articles, and passage of members of the Board, Superintendent, and work hands,	- - - - -	183 15
Paid Blacksmith's work, &c. &c. &c.	- - - - -	2,544 55
Paid Collector's salary,	- - - - -	500 00
Making expenditures, as above stated,	- - - - -	<u>\$ 8,888 67</u>

The committee have also examined the vouchers for these expenditures, and believe that the several payments have been made in pursuance of contracts for services rendered, and in strict obedience to the provisions of existing laws. By instructions of the House, they report the following bill to the House, to-wit, marked (A.) which is submitted for the consideration of the House. All which is respectfully submitted.

E. SMITH, Ch'm.

Ordered, That the Public Printer forthwith print 150 copies of said report, for the use of the members of the General Assembly.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Propositions and Grievances—1. A bill to repeal the first section of an act, entitled, an act for the benefit of N. R. Harris and E. D. Solomon.

By the committee on the Expenditures of the Board of Internal Improvement—2. A bill authorizing a settlement with the Board of Internal Improvement.

By Mr. Conner—3. A bill to change the place of voting in a precinct in Bath county, and for other purposes.

By the committee on the Judiciary—4. A bill for the benefit of the widow and heirs of G. C. Bohannon, deceased.

By same—5. A bill to extend the limits of the town of Stanford.

By same—6. A bill for the benefit of the mechanics of the town of Danville, and for other purposes.

By same—7. A bill for the benefit of the devisees of William Logan, deceased.

By same—8. A bill for the benefit of Jacob Cardwell's heirs.

By the committee on Religion—9. A bill divorcing Zerilda Jane Price and changing her name.

By same—10. A bill to incorporate the Augusta Presbyterian Church in Bracken county, and for other purposes.

By same—11. A bill divorcing Catharine Smith, and changing her name.

By same—12. A bill divorcing Lindsey Lister from his wife, Margaret Lister.

By same—13. A bill divorcing Pleasant Meadows from his wife, Sally Meadows.

By same—14. A bill divorcing Rhoda Ames from her husband, David S. Ames, and Mary Moore from her husband, William C. Moore.

By same—15. A bill divorcing Rachel Hoskins from her husband, Davis Hoskins.

By same—16. A bill to incorporate the 4th Baptist Church of Louisville. Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

The House took up the resolution from the Senate fixing a day for the election of Public Officers.

The said resolution was then amended.

Resolved, That this House concur in said resolution, as amended.

Mr. Harlan, from the committee on the Judiciary, to whom was referred the petition of sundry citizens of Maysville, reported the same with the following resolution, viz:

Resolved, That said petition be rejected.

Mr. Breeden moved to amend said resolution by striking out "be rejected," and inserting "is reasonable."

And the question being taken thereon, it was decided in the negative.

The said resolution was then concurred in.

A message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that he had approved and signed enrolled bills which originated in this House, of the following titles, viz:

An act to authorize the Trustee of the Craddock Fund to surrender his trust, and to create a permanent Board to manage the same.

An act for the benefit of William B. Howard.

An act for the benefit of Joseph B. O'Rear.

An act for the benefit of certain Sheriffs.

Approved February 18, 1846.

The following bills were reported by the committee on the Judiciary, viz:

A bill to amend the act concerning Justices of the Peace.

A bill to provide for the purchase of the third volume of the Statute Laws of this State.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with,

Ordered, That said bills be laid on the table.

Mr. Peters, from the committee on Religion, reported a bill divorcing William Allen from his wife, Elizabeth Allen; which was read the first time.

And the question being taken on reading said bill a second time, it was decided in the negative, and so the said bill was rejected.

Mr. Peters, from the same committee, to whom was referred a bill from the Senate, entitled, an act to divorce Elizabeth Wydell, reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Dallam, from the committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act to abolish an election precinct in Gallatin county, and for other purposes.

An act for the relief of Henry Blanton and Robert Snell, executors of Carter Blanton, deceased.

An act for the benefit of the Sheriff of Union county, and for other purposes.

An act for the benefit of the Fayette Rifle Company and Midway H. Guards.

An act to re-model and change the Judicial Districts, and to equalize the labor of the Circuit Judges.

An act for the benefit of John Rogers' children.

An act for the benefit of Thomas Howser, of Monroe county.

An act for the benefit of the Covington and Lexington Turnpike Company.

An act divorcing Edward Farrar and Martha Farrar.

An act divorcing Jesse Gee from his wife, Elizabeth Gee.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Dallam inform the Senate thereof.

Mr. Glenn, from the minority of the committee on Printing, made the following report, viz:

[*For Report—see Legislative Documents.*]

Ordered, That the Public Printer forthwith print 150 copies of said report for the use of the members of the General Assembly.

Mr. Cox, from the committee on Internal Improvement, to whom was referred a bill from the Senate, entitled, an act to amend an act, entitled, an act to amend an act incorporating the Louisville and Mississippi Railroad Company, and to promote the construction of a Railroad between said city and river, reported the same with an amendment, which was concurred in.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The amendments proposed by the Senate, to a bill from this House, entitled, an act to incorporate the Lawrence county Coal Mining Company, were taken up, twice read, and concurred in.

A bill for the relief of emigrants to this State, was read a second time.

Ordered, That the said bill be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Fallis, from a select committee, reported a bill to authorize the Trustees of the town of Port Royal to change an alley; which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Senate, announcing that they had passed bills from this House, of the following titles, viz:

An act divorcing Joseph W. Tate from his wife, Mary C. Tate.

An act to allow an additional Justice of the Peace to Pulaski county.

With amendments to each.

That they had passed bills of the following titles, viz:

An act for the benefit of the Lunatic Asylum.

An act to incorporate the town of Shelbyville.

A bill from the Senate, entitled, an act to incorporate the Commissioners of the Sinking Fund of Kentucky, was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with,

Mr. Glenn proposed an amendment to said bill.

Ordered, That said bill, and amendment, be referred to the committee on Ways and Means, with instructions proposed by Mr. Cox, to enquire into the expediency of making the First Auditor the Clerk of the Board of Internal Improvement, and continuing the office of Clerk of the Sinking Fund as now established; and also, whether or not the Board of Internal Improvement cannot be re-modeled so as to cast the duties of that Board upon some other officers of government, without increasing their salaries, so as to save the expenses incident to the continuation of said Board, as now established, and that said committee report to this House to-morrow at 12 o'clock.

A bill from the Senate, entitled, an act to provide for Common Schools, was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Ordered, That the further consideration of said bill be postponed until to-morrow at 12 o'clock.

A bill from the Senate, entitled, an act prescribing further duties of the Board of Internal Improvement, was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision, and second reading of said bill having been dispensed with,

Ordered, That said bill be referred to the committee on Ways and Means, with instructions to report said bill to the House to-morrow at 12 o'clock.

Bills from the Senate, of the following titles, viz:

1. An act to transfer the duties of the President of the Bank of the Commonwealth and Agent of the Old Bank of Kentucky to the First Auditor, and requiring certain duties of the First Auditor and Attorney General.

2. An act to allow an additional Justice of the Peace to Washington county.

3. An act for the benefit of Ann Elizabeth Long.

4. An act to establish precincts in Franklin county.

5. An act for the benefit of the Reformed Baptist Church of Slate run, in Bath county.

6. An act to establish and improve a State road from James Carlton's ferry, in Boone county, to intersect the Covington and Lexington Turnpike Road.

7. An act requiring Sheriffs to execute bond in double the amount of the revenue collected.

8. An act for the benefit of certain Sheriffs.

9. An act to amend the law in relation to idiots and lunatics, approved February 12, 1840.

10. An act for the benefit of John Ricks.

11. An act to amend the charter of the Bardstown Female Academy.

12. An act to authorize the Mississippi Railroad Company to extend their Railroad from the South boundary line of the Commonwealth of Kentucky, to the Mississippi river.

13. An act to change the venue in the prosecution against Charles Darnals.

14. An act granting a change of venue to Marmaduke Coker.

15. An act to change the name of Eufracia Hendrix to that of Eufracia Smith, and to change the name of Benjamin Thomas Sparr.

16. An act for the benefit of Common Schools in Laurel, Livingston, and Greenup counties.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, (except the 4th, which was referred to the committee on Propositions and Grievances.)

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the Senate of the following titles, viz:

An act in relation to the Penitentiary.

An act for the benefit of the Louisville Tobacco Warehouse.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with,

The said bills were amended.

Ordered, That said bills, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A bill from the Senate, entitled, an act to amend the revenue laws, was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Ordered, That said bill be referred to the committee on Ways and Means, with instructions to report the same to the House to-morrow at half past two o'clock, P. M.

Bills from the Senate of the following titles, viz:

An act to allow the county of Lincoln one additional Justice of the Peace.

An act to incorporate the town of Shelbyville.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with,

The said bills were then amended.

Ordered, That said bills, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

Resolved, That said bills do pass, and that the titles be amended by adding to each, "and for other purposes."

Mr. Peters, from the committee on Religion, to whom was referred the petition of Orvil Sluder; the petition of C. C. Stark; the petition of Edward R. Sumpter and Elizabeth Sumpter; the petition of William H. Grant; the petition of Clarissa Coomer; the petition of Robert P. W. Noel; the petition of Belinda Chaney; the petition of C. W. Resor, and the petition of Joseph and Susan Sames, each praying for a divorce; reported the same with the following resolution, viz:

Resolved, That said petitions be rejected.

Which was concurred in.

A bill from the Senate, entitled, an act for the benefit of the Lunatic Asylum, was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Mr. Finnell proposed an amendment to said bill.

And then the House adjourned.

FRIDAY, FEBRUARY 20, 1846.

A message was received from the Senate, announcing their concurrence in the amendments proposed by this House, to a bill from the Senate, entitled, an act to establish a portion of the line between the States of Kentucky and Tennessee, and their concurrence in a resolution fixing a day for the election of Public Officers.

That they had disagreed to a resolution for the removal, by address, of George W. Kouns, a Justice of the Peace for Carter county.

That they had passed bills from this House, of the following titles, viz:

An act to amend an act, entitled, an act to add a portion of Nicholas to Bracken county, approved February 29, 1844.

An act to change and more particularly define the county line between the counties of Perry and Breathitt.

An act to amend and reduce into one the several acts in relation to the town of New Liberty, in Owen county.

An act for the benefit of Catharine Dagnam.

An act to change the names of William Henry Rice and John Wilson Dollins, and for the benefit of William H. Garnett.

An act for the benefit of John W. Carter.

An act for the benefit of Robert A. and Mary P. Moffett.

An act for the relief of John S. Lucas, of Warren county.

An act for the benefit of L. Graves, of Gallatin county.

An act to reduce the number of Justices in Perry county.

An act to run the county line between the counties of Knox and Harlan.

An act for the relief of Milton Busby.

An act for the relief of John Tompkins.

An act to provide for districting the county of Trimble into Magistrates' districts.

An act providing for a change of venue in the prosecution against Charles Yates.

An act providing for a change of venue in the prosecution against Joseph H. Coleman.

An act to change the place of voting in an election precinct in Allen county, and for other purposes.

With amendments to the last named bill.

That they had passed bills of the following titles, viz:

An act for the benefit of Robert B. Hall.

An act providing for the running and marking the line between Boone and Kenton counties.

An act for the benefit of Rockcastle, Harlan and Owsley counties.

An act for the benefit of Edmund Robertson.

An act for the benefit of Missouri and Mary Jane Arnold.

And that they had received official information from the Governor, that he had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act to amend an act incorporating the town of Raywick.

An act for the benefit of the widow and heirs of Frederick Adkins, deceased.

An act for the benefit of William Ramsey, Elisha Gardner, and John B. Cobb.

An act to divorce Louisa Gray.

An act allowing an additional Constable to Marion county and to the county of Nelson.

An act to incorporate the Calliopean Institute of Murray.

An act to incorporate the town of Somerset.

Approved February 18, 1846.

The House resumed the consideration of the bill from the Senate, entitled, an act to amend the charter of the Glasgow and Scottville Turnpike Road Company.

Mr. Anthony moved to amend said bill in the first section by striking out the words "having the means to do so."

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Anthony and Glenn, were as follows, viz :

Those who voted in the affirmative, were—

Mr. Speaker.	Gano,	Orr,
Messrs. Abbott,	Gardner,	Railey,
Alexander,	Glenn,	Reid,
Anthony,	Gore,	Rodman,
Balee,	Haggard,	Shawhan,
Barlow,	Hardy,	Short,
Begley,	Hatfield,	Smith, E.
Bowling, G.	Headley,	Sparks,
Brawner,	Howell,	Speed,
Brooks,	Hunton,	Stone, S.
Cessna,	Johnston, A.	Thomas, A. W.
Clarke,	Jones,	Thurston,
Cleaveland,	Lapsley,	Walker,
Combs, J.	Maxey,	Wallace,
Conner,	Miller,	Wheat,
Desha,	Murray,	Whitsett,
Elliott,	Orndorff,	Wortham—52.
Fallis,		

Those who voted in the negative, were—

Messrs. Breeden,	Finnell,	Peters,
Combs, L.	Harlan,	Pope,
Cox,	Hay,	Priest,
Dallam,	Jackson,	Riley,
Darnaby,	Mayhall,	Seaton,
Dudley,	Mayes,	Smith, J.
Duncan,	McC Campbell,	Stephens,
Ford,	Myers,	Thomas, W.—24.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Mr. Harlan moved to lay said bill on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hardy and Glenn, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Breedon,	Hay,	Peters,
Dallam,	Jackson,	Riley,
Evans,	Layne,	Seaton,
Ford,	Mason,	Smith, E.
Finnell,	Mayhall,	Smith, J.
Harlan,	McCampbell,	Wortham—18.

Those who voted in the negative, were—

Mr. Speaker,	Elliott,	Orndorff,
Messrs. Abbott,	Fallis,	Orr,
Alexander,	Gano,	Pope,
Anthony,	Gardner,	Priest,
Balee,	Glenn,	Purdom,
Barkley,	Glover,	Railey,
Barlow,	Gore,	Reid,
Begley,	Haggard,	Rodman,
Bowling, G.	Hardy,	Shawhan,
Browner.	Hatfield,	Short,
Brooks,	Headley,	Sparks,
Cessna,	Howell,	Speed,
Clarke,	Hunton,	Stephens,
Cleaveland,	Johnston, A.	Stevenson,
Combs, J.	Jones,	Stone, S.
Combs, L.	Kelly,	Thomas, A. W.
Conner,	Lapsley,	Thomas, W.
Cox,	Mayes,	Thurston,
Darnaby,	Maxey,	Walker,
Desha,	Miller,	Wallace,
Dudley,	Murray,	Wheat,
Duncan,	Myers,	Whitsett—66.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

On motion of Mr. Peters,

Ordered, That the committee on Religion be discharged from the further consideration of the resolution requiring them to enquire into the propriety of passing a law authorizing the Circuit Courts to decree divorces where the husband or wife shall have been in a state of lunacy for the space of ten years.

Mr. Peters moved a reconsideration of the vote passing a bill from the Senate, entitled, an act in relation to the Penitentiary.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Peters and Clack, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Hay,	Pope,
Begley,	Headley,	Priest,
Bowling, G.	Howell,	Railey,
Breeden,	Jackson,	Reid,
Clack,	Jones,	Rodman,
Combs, J.	Kelly,	Seaton,
Combs, L.	Lapsley,	Shawhan,
Conner,	Layne,	Short,
Cox,	Mason,	Smith, J.
Darnaby,	Mayhall,	Stephens,
Desha,	Mayes,	Stevenson,
Dudley,	McCampbell,	Stone, B.
Duncan,	McKellup,	Stone, S.
Evans,	Miller,	Thomas, A. W.
Fallis,	Murray,	Thomas, W.
Finnell,	Myers,	Walker,
Gano,	Orndorff,	Wheat,
Glenn,	Orr,	Whitsett,
Haggard,	Peters,	Wortham—58.
Hatfield,		

Those who voted in the negative, were—

Mr. Speaker,	Dallam,	Johnston, A.
Messrs. Abbett,	Elliott,	Maxey,
Anthony,	Ford,	Purdum,
Barkley,	Gardner,	Riley,
Barlow,	Glover,	Smith, E.
Brawner,	Gore,	Sparks,
Brooks,	Harlan,	Speed,
Cessna,	Hardy,	Thurston,
Clarke,	Hunton,	Wallace—28.
Cleaveland,		

The vote dispensing with the third reading and the vote ordering said bill to be read a third time, were then reconsidered.

The said bill reads as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the Governor be and he is hereby authorized to contract with Austin P. Cox for the purchase of the lot of ground adjoining the Penitentiary, in the town of Frankfort, for any sum not exceeding two thousand four hundred dollars, for the entire lot, including the 45 feet by 80 feet, heretofore agreed to be purchased by the Commissioners of the Sinking Fund; and to see that said lot is conveyed to the Commonwealth by a good and sufficient deed.

SEC. 2. *Be it further enacted,* That the Commissioners of the Sinking Fund, shall cause to be extended around the lot of ground, directed by this

act to be purchased, provided the cost thereof shall not exceed four thousand seven hundred and thirty one dollars, the walls of the Penitentiary, and cause a building to be erected within the walls of said Penitentiary, as extended, for an eating house and chapel: *Provided*, the cost of such building shall not exceed the sum of three thousand five hundred dollars. They shall also cause to be erected in a suitable place in the yard of said Penitentiary, a cistern, for the purpose of furnishing sufficient water in case of fire: *Provided*, the cost thereof shall not exceed two hundred dollars; said Commissioners shall, also, cause the roof of the offices of said Penitentiary to be repaired and placed in good order; and suitable and secure windows to be placed in the wall enclosing the cells, so as to admit of a free circulation of air within said walls.

SEC. 3. *Be it further enacted*, That the Commissioners of the Sinking Fund, on their settlement with the Keepers of the Penitentiary, shall allow said Keepers credit for the sum of \$1,794 38, that being the amount of deficiency in the \$5,000 agreed to be paid by said Keepers to the Commonwealth, as her net profit of the Penitentiary for the year 1844, after paying over the entire profits of the Penitentiary to said Commissioners; and that said Commissioners, also, in their next settlement with said Keepers, allow said Keepers credit for whatever sum the entire profit of said Penitentiary, for the year 1845, shall fall short of the said sum of \$5,000, agreed to be paid to the State, as the net profits for that year; *Provided*, the amount so allowed shall not exceed the sum of one thousand seven hundred ninety four dollars thirty eight cents.

SEC. 4. *Be it further enacted*, That the Commissioners of the Sinking Fund allow said Keepers of the Penitentiary credit for the sum of one thousand one hundred and nine dollars seventy cents, upon said Keepers executing to the Commonwealth, a bill of sale, to be filed with the Clerk of the Penitentiary, for the engine, hose, pipe, cisterns, casks, and buckets, purchased by said Keepers for the use of the Penitentiary.

SEC. 5. *Be it further enacted*, That for the purpose of aiding the Commissioners of the Sinking Fund in purchasing the lot, extending the walls, and erecting the cistern, and building the eating house, and repairing the roof of the offices contemplated by this act, that the Second Auditor shall issue his warrant on the Treasurer for the sum of six thousand dollars to be paid out of any money in the Treasury not otherwise appropriated; and the balance of the sum necessary to complete the purchase of said lot, extending the walls, and erecting the cistern, building the eating house, and repairing the roof of the offices, shall be paid out of the profits of the Penitentiary: *Provided*, that the said Keepers of the Penitentiary, shall, before such warrant shall be issued by said Second Auditor, execute bond, with good security, in the penalty of ten thousand dollars, payable to the Commonwealth, and conditioned to repay said sum of six thousand dollars, into the Treasury, out of the net profits of the State, to arise from the business of the Penitentiary, on or before the time limited for the expiration of their office.

SEC. 6. *Be it further enacted*, That the Clerk of the Penitentiary shall hereafter be allowed the sum of one thousand dollars per annum, instead of seven hundred and fifty dollars, as now allowed by law, to be paid in the same manner as now directed by law.

Mr. Peters moved to amend the 6th section by striking out "one thousand dollars," and inserting "eight hundred dollars."

Mr. Glenn asked for a division of the question.

The question was then taken on striking out "one thousand dollars," and decided in the affirmative.

The yeas and nays being required thereon by Messrs. Orr and Hughes, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Ford,	Myers,
Messrs. Abbott,	Finnell,	Orndorff,
Alexander,	Gano,	Orr,
Balee,	Gardner,	Peters,
Barkley,	Glenn,	Priest,
Barlow,	Gore,	Purdom,
Begley,	Haggard,	Railey,
Bowling, G.	Hardy,	Rodman,
Bowling, R. C.	Hatfield,	Seaton,
Browner,	Headley,	Shawhan,
Breeden,	Howell,	Short,
Brown,	Hughes,	Smith, J.
Cessna,	Jackson,	Sparks,
Clack,	Johnson, D. B.	Speed,
Clarke,	Johnston, A.	Stephens,
Cleaveland,	Jones,	Stone, B.
Combs, J.	Kelly,	Stone, S.
Combs, L.	Lapsley,	Thomas, A. W.
Conner,	Layne,	Thomas, W.
Cox,	Mason,	Thurston,
Darnaby,	Mayhall,	Walker,
Desha,	Mayes,	Wallace.
Dudley,	Maxey,	Wheat,
Duncan,	McCampbell,	Whitlock,
Elliott,	McKellup,	Whitsett,
Evans,	Miller,	Wortham—80.
Fallis,	Murray,	

Those who voted in the negative, were—

Messrs. Anthony,	Harlan,	Riley,
Brooks,	Hay,	Smith, E.
Dallam,	Hunton,	Smith, J. Speed
Glover,	Pope,	Waller—12.

The blank was then filled with eight hundred dollars.

Mr. Peters moved a reconsideration of the vote adopting the amendment to said bill proposed by Mr. Barlow on yesterday.

The said amendment reads as follows, viz:

SEC. 7. *Be it further enacted*, That the Second Auditor shall issue his warrant upon the Treasurer in favor of the present Keepers of the Penitentiary for the sum of ten thousand dollars, to be paid out of any money in the Treasury not otherwise appropriated: *Provided*, that the said Keepers of the Penitentiary shall, before such warrant shall be issued by said Second

Auditor, execute bond, with good and sufficient security, to be approved by the Governor, in the penalty of twenty thousand dollars, payable to the Commonwealth, and conditioned, that they shall pay an interest of six per cent. per annum upon the same, payable semi-annually, to the Commissioners of the Sinking Fund; and for the re-payment of the principal sum back into the Treasury of this State at the expiration of their term of office.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hardy and Cleaveland, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Bowling, R. C.	Headley,	Peters,
Breeden,	Jackson,	Railey,
Clack,	Lapsley,	Seaton,
Conner,	Layne,	Short,
Cox,	Mayhall,	Smith, J.
Fallis,	Orndorff,	Stone, B.—18.

Those who voted in the negative, were—

Mr. Speaker,	Gano,	Myers,
Messrs. Abbett,	Gardner,	Orr,
Alexander,	Glenn,	Pope,
Anthony,	Glover,	Purdum,
Balee,	Gore,	Reid,
Barkley,	Haggard,	Riley,
Barlow,	Harlan,	Rodman,
Botts,	Hardy,	Shawhan,
Bowling, G.	Hatfield,	Smith, J. Speed
Brawner,	Hay,	Sparks,
Brown,	Howell,	Speed,
Brooks,	Hughes,	Stephens,
Cessna,	Hunton,	Stone, S.
Clarke,	Johnson, D. B.	Thomas, A. W.
Cleaveland,	Johnston, A.	Thomas, W.
Combs, J.	Jones,	Thurston,
Combs, L.	Kelly,	Walker,
Darnaby,	Mason,	Wallace,
Desha,	Mayes,	Waller,
Duncan,	Maxey,	Wheat,
Elliott,	McC Campbell,	Whitlock,
Evans,	McKellup,	Whitsett,
Ford,	Miller,	Wortham—70.
Finnell,	Murray,	

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that he had approved and signed enrolled bills which originated in this House of the following titles, viz:

An act for the relief of Henry Blanton and Robert Snell, executors of Carter Blanton, deceased.

An act to abolish an election precinct in Gallatin county, and for other purposes.

An act for the benefit of the Sheriff of Union county, and for other purposes.

An act for the benefit of the Fayette Rifle Company and Midway H. Guards.

An act to re-model and change the Judicial Districts, and to equalize the labor of the Circuit Judges.

An act for the benefit of John Rogers' children.

An act for the benefit of Thomas Howser, of Monroe county.

An act divorcing Edward Farrar and Martha Farrar.

An act for the benefit of the Covington and Lexington Turnpike Company, and for other purposes.

An act divorcing Jesse Gee from his wife, Elizabeth Gee.

Approved February 19, 1846.

Mr. L. Combs, from the committee on Ways and Means, made the following report, viz:

The committee of Ways and Means, to whom was referred the Digest of the Revenue Laws of this State, made by the Attorney General and Secretary of State, according to an act of Assembly of the last session of the Legislature, have examined the same, as far as their limited time and other engagements would permit, and beg leave to report:

1st. That they consider the duty assigned has been well performed. The whole of the revenue laws of the State, have been carefully examined, digested and arranged under appropriate heads in separate chapters, thus greatly facilitating the officers of the law in the discharge of their duties, and making simple and easy, that which was before complex and difficult. *They consider the work very valuable*, and that it ought to be printed and circulated by the Legislature among the following officers, viz:

To each County and Circuit Court Clerk, one copy.

To each High Sheriff, one copy.

To each Circuit and County Attorney, one copy.

To each member of the Legislature, one copy.

To each Judge, one copy.

To the Heads of the different Departments, one copy each.

The work will contain near one hundred pages, and can be furnished, bound like the Acts of Assembly, on the following terms, viz:

For the first 240 copies, complete,	\$ 123 80
For 480 additional copies,	65 20

Total,	\$ 189 00
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They therefore recommend the adoption of the following resolutions :

1st. *Resolved*, That the Public Printer be directed to print and bind in paper covers, copies of Cates and Hardin's Digest of the Revenue Laws of this State, to be distributed according to the above report.

2d. *Resolved*, That dollars be allowed to Owen G. Cates, Esq., for his services in compiling said Digest, and superintending its correct printing; and that dollars be allowed to Benj. Hardin, Esq., for his services in examining said Digest, as compiled by said Cates.

All which is respectfully submitted.

LESLIE COMBS, *Cl'm.*

Mr. Finnell reported a bill for the benefit of the Methodist Episcopal Church in the town of Carlisle : which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. L. Combs, from the committee on Ways and Means, to whom was referred a bill from the Senate, entitled, an act to incorporate the Commissioners of the Sinking Fund, reported the same with amendments ; which were concurred in.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. L. Combs, from the same committee, to whom was referred a bill from the Senate, entitled, an act prescribing further duties of the Board of Internal Improvement, reported the same with amendments ; which were concurred in.

The second section of said bill reads as follows, viz:

That the vacancy in the Board of Internal Improvement, created by the retiring of the Treasurer, shall be filled by the Governor in the usual manner, by the appointment of some one residing at some suitable point on the Green and Barren river line of navigation, and the person so appointed, shall be the Superintendent on the Green and Barren river line of navigation, and shall receive a salary of five hundred dollars per annum for his services, and in addition thereto, his reasonable travelling expenses when he leaves his county, for which he shall render an account upon oath.

Mr. Hardy moved to amend said section by adding the following, viz:

And that another member of the Board be the Superintendent and Collector of tolls on the Kentucky River Navigation, with a similar salary, and expenses.

Mr. Glenn moved to amend the amendment by striking out the words "another member," and insert "the Secretary;" and strike out the words

"with a similar salary," and insert "who shall execute bond with good security for the faithful discharge of his duties, and report and pay into the Treasury, monthly, the amounts collected."

And the question being taken on the adoption of the amendment to the amendment, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Glenn and G. Bowling, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Abbett,	Hatfield,	Rodman,
Alexander,	Headley,	Shawhan,
Anthony,	Lapsley,	Short,
Barlow,	Layne,	Smith, E.
Bowling, G.	Mayhall,	Speed,
Browner,	McKellup,	Stephens,
Cleaveland,	Murray,	Stone, B.
Cox,	Orr,	Walker,
Desha,	Peters,	Waller,
Dudley,	Pope,	Wheat,
Elliott,	Purdom,	Whitlock,
Fallis,	Railey,	Whitsett,
Glenn,	Reid,	Wortham—40.
Haggard,		

Those who voted in the negative, were—

Mr. Speaker,	Evans,	Mason,
Messrs. Barkley,	Ford,	Mayes,
Begley,	Finnell,	Maxey,
Botts,	Gano,	McC Campbell,
Breeden,	Gardner,	Miller,
Brown,	Glover,	Myers,
Brooks,	Gore,	Orndorff,
Clack,	Harlan,	Priest,
Clarke,	Hardy,	Riley,
Combs, J.	Hay,	Seaton,
Combs, L.	Howell,	Smith, J.
Conner,	Hughes,	Sparks,
Dallan,	Hunton,	Thomas, A. W.
Darnaby,	Jackson,	Wallace—44.
Duncan,	Jones,	

The amendment proposed by Mr. Hardy was then adopted.

The said bill was further amended, and as amended, was ordered to be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as afore-said.

The House took up the bill from the Senate, entitled, an act to provide for Common Schools.

Mr. Peters moved to lay said bill on the table.

And the question being taken thereon, it was decided in the affirmative.

Mr. Cox moved to discharge the committee of the whole from the further consideration of the bill for the benefit of Common Schools in this Commonwealth.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Stevenson and McKellup, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker.	Duncan,	McKellup,
Messrs. Abbett,	Finnell,	Miller,
Alexander,	Gano,	Murray,
Anthony,	Gardner,	Myers,
Balee,	Glenn,	Pope,
Barkley,	Glover,	Railey,
Barlow,	Gore,	Riley,
Begley,	Haggard,	Rodman,
Botts,	Harlan,	Smith, J. Speed
Bowling, G.	Headley,	Sparks,
Breeden,	Hughes,	Speed,
Brown,	Jackson,	Stephens,
Brooks,	Johnson, D. B.	Stevenson,
Clack,	Jones,	Stone, B.
Clarke,	Kelly,	Thurston,
Combs, J.	Mason,	Wallace,
Cox,	Mayes,	Waller,
Darnaby,	Maxey,	Whitlock,
Desha,	McCampbell,	Wortham—58.
Dudley,		

Those who voted in the negative, were—

Messrs. Brawner,	Howell,	Reid,
Cleveland,	Hunton,	Seaton,
Conner,	Lapsley,	Shawhan,
Elliott,	Layne,	Smith, E.
Evans,	Mayhall,	Smith, J.
Fallis,	Orndorff,	Thomas, A. W.
Ford,	Orr,	Thomas, W.
Hardy,	Peters,	Walker,
Hatfield,	Priest,	Wheat—29.
Hay,	Purdom,	

The said bill reads as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That an additional sum of two cents shall be collected by the proper officers, on each one hundred dollars worth of taxable property in

this Commonwealth, for the year 1846, and for each and every year thereafter, to be applied, exclusively, to the maintenance of Common Schools in this State, which shall be paid into the Treasury as other revenue; and the amount so collected, shall be yearly paid over to the several School Districts, in proportion to the number of children, in the manner as is now directed by law.

SEC. 2. *Be it further enacted*, That there may be levied, by the majority of the voters that may assemble at any district meeting, as now provided, for the annual election of Trustees, the sum of five cents on each one hundred dollars worth of taxable property in said district, seven days' notice having been first given at three or more public places in said district, of the time and place of such meeting, which notice may be signed by any one or more of the Trustees, or by their Clerk, or by any tax payer in said district; and the majority of voters then and there assembled, at such meeting, having first elected their Trustees, may, between any hours in said notice mentioned, vote the tax aforesaid. And it shall be the duty of the Trustees of each district, to make out a list of all persons subject to taxation in their district, and caused to be placed opposite their names the amount of property upon which they, and each of them, pay a revenue tax; and in said list and amount of property, said Trustees shall be governed by the Commissioners' book, or the books of the revenue officer taking a list or assessment of the taxable property in such district; and the tax shall be assessed and laid upon the same property, and no other.

SEC. 3. *Be it further enacted*, That the Trustees, aforesaid, may appoint their District Collector at any time, who shall be required to enter into bond with good and sufficient security, for the faithful performance of his duties, in collecting and paying over to the Trustees all sums placed in his hands for collection, in the time limited in his warrant for collecting the same, which warrant shall be signed by a majority of the Trustees or by their Clerk, and said Collector shall have all the powers to collect, that the Collectors of the revenue now have.

SEC. 4. That when the line dividing any of the School Districts in this Commonwealth shall run through and divide the lands or property of any citizen, he shall pay the school tax in the District in which he resides. But in case of any person or persons, or corporation, owning lands or property, subject to tax in any District, in which said owners do not reside, and which lands are disconnected with any in his or their resident District, then said owners shall pay said tax to the Collector in whose District the greater part of said lands shall lie; and said Collector shall, upon application of any Collector in whose District any part of such lands may lie, pay over to said applicant his due proportion of said tax so collected; and upon his failing or refusing so to pay over a reasonable and fair part of said school tax, he shall be personally liable, and suit may be brought in the name of said applicant, against said delinquent Collector, before any Justice of the Peace, who shall render judgment for the amount due, together with the costs of suit.

SEC. 5. *Be it further enacted*. That the 10th section of "an act concerning Common Schools," approved February 10th, 1845, be, and the same is, so far amended, as to authorize Districts, in towns and villages, to contain more than one hundred children between the ages of five and sixteen, provided a suitable number of teachers are employed in such District; that all

acts coming within the purview of this act, be and the same are hereby repealed.

Mr. Alexander moved to lay said bill on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Breeden and Cox, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Fallis,	Orndorff,
Anthony,	Ford,	Orr,
Barkley,	Harlan,	Peters,
Barlow,	Hatfield,	Priest,
Begley,	Hay,	Railey,
Botts,	Headley,	Reid,
Bowling, G.	Howell,	Shawhan,
Brawner,	Hunton,	Short,
Brooks,	Johnston, A.	Smith, E.
Cessna,	Jones,	Smith, J. Speed
Cleveland,	Kelly,	Speed,
Combs, J.	Lapsley,	Thomas, A. W.
Conner,	Layne,	Thurston,
Dallam,	Mason,	Wallace,
Dudley,	Maxey,	Whitsett,
Elliott,	Moore,	Wortham—49.
Evans,		

Those who voted in the negative, were—

Mr. Speaker,	Gano,	Miller,
Messrs. Abbott,	Glover,	Murray,
Balee,	Gore,	Myers,
Breeden,	Haggard,	Pope,
Brown,	Hardy,	Sparks,
Clack,	Hughes,	Stephens,
Clarke,	Jackson,	Stevenson,
Cox,	Johnson, D. B.	Stone, B.
Desha,	Mayes,	Thomas, W.
Duncan,	McCampbell,	Walker,
Finnell,	McKellup,	Waller—33.

A message was received from the Senate, by Mr. Henderson, announcing that they had passed a bill for the benefit of John A. Hunt, of Whitley county.

Mr. Thurston, from the committee on Privileges and Elections, reported a bill explanatory of the election laws, which was read the first time as follows, viz:

WHEREAS, it is represented that doubts sometimes exist in the minds of Judges of elections, as to the right of voters to vote at a different precinct from the one in which they reside. Wherefore:

Be it enacted by the General Assembly of the Commonwealth of Kentucky,
That all legal voters shall have the right to cast their vote, in all elections,
at any precinct within the county in which they reside.

And the question being taken on reading said bill a second time, it was
decided in the affirmative.

The yeas and nays being required thereon by Messrs. Stevenson and
Headley, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Abbott,	Glenn,	Orr,
Anthony,	Glover,	Pope,
Barlow,	Haggard,	Priest,
Begley,	Harlan,	Railey,
Botts,	Headley,	Rodman,
Bowling, G.	Howell,	Shawhan,
Brawner,	Hughes,	Short,
Brown,	Hunton,	Sparks,
Brooks,	Johnson, D. B.	Stephens,
Cessna,	Lapsley,	Stevenson,
Cleaveland,	Layne,	Stone, B.
Dallam,	Maxey,	Stone, S.
Desha,	McCampbell,	Thurston,
Dudley,	McKellup,	Walker,
Elliott,	Miller,	Wallace,
Fallis,	Murray,	Wheat,
Finnell,	Myers,	Whitsett,
Gano,	Orndorff,	Wortham—54.

Those who voted in the negative, were—

Mr. Speaker,	Ford,	Mayes,
Messrs. Alexander,	Gardner,	Peters,
Balee,	Gore,	Riley,
Barkley,	Hatfield,	Seaton,
Breeden,	Hay,	Smith, E.
Clack,	Jackson,	Smith, J. Speed
Combs, J.	Johnston, A.	Speed,
Combs, L.	Jones,	Thomas, A. W.
Conner,	Kelly,	Thomas, W.
Cox,	Mason,	Waller—31.
Evans,		

Mr. Riley, from the committee on Enrollments, reported that the committee had examined enrolled bills and a resolution which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of the Reformed Baptist Church of Slate Run, in Bath county.

An act to allow an additional Justice of the Peace to Washington county.

An act for the benefit of C. A. Wilson and S. Duncan.

An act for the benefit of John Ricks.

An act to amend the charter of the Bardstown Female Academy.

An act for the benefit of Common Schools in Laurel, Livingston, and Greenup counties.

An act to change the name of Eufracia Hendrix to that of Eufracia Smith, and to change the name of Benjamin Thomas Sparr.

A resolution fixing a day for the election of Public Officers.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Riley inform the Senate thereof.

Mr. S. Stone moved the following resolutions, viz:

Resolved, That the members and officers of this House, will attend the funeral of Milton Mills, deceased, late a member of this House, from the county of Wayne, to-morrow.

Resolved, That a committee be appointed to take order for superintending the funeral of Milton Mills, deceased.

Resolved, That the members and officers of this House, in testimony of their regard for their late member, Milton Mills, will wear crape on the left arm for thirty days; and that a message be sent to the Senate to notify that body of the death of Milton Mills, late a Representative from the county of Wayne, and that his funeral will take place to-morrow, at 10 o'clock, A. M., from the House of Representatives.

Resolved, As a further testimony of respect for the deceased, this House do now adjourn.

Which were unanimously adopted.

Whereupon the Speaker appointed Messrs. S. Stone, Harlan, Finnell, Haggard, Stevenson, Elliott, Barlow, and Wheat the committee in pursuance of said resolutions.

SATURDAY, FEBRUARY 21, 1846.

1. Mr. Alexander presented the petition of Arena Fitzpatrick, praying to be divorced from her husband, John Fitzpatrick.

2. Mr. Brown presented the resolutions adopted at a meeting of the citizens of Elizabethtown, in reference to Common Schools.

3. Mr. Moore presented the remonstrance of sundry citizens of Washington county, against the removal of an election precinct.

Which were received, the reading dispensed with, and referred, the 1st to the committee on Religion; the 2d to the committee on Education; and the 3d to the committee on Privileges and Elections.

Mr. Waller, from the committee on the Sinking Fund, to whom was referred a bill from the Senate, entitled, an act for the benefit of the Kentucky Institution for the Education of the Blind, reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. J. Speed Smith moved the following resolution, viz:

Resolved, That a committee of be appointed, who shall report to this House, what important unfinished business is now in the orders of the day, and *matured* in the hands of the standing committees, that in their opinion imperiously demand legislation this session, if any.

Which was adopted.

Whereupon Messrs. J. Speed Smith, Harlan, L. Combs, Cox, Stone, and Desha were appointed said committee.

Mr. L. Combs, from the committee on Ways and Means, to whom was referred bills from the Senate of the following titles, viz:

1. An act to extend the time for registering headright surveys.
2. An act for the benefit of James W. Prater and Erastus Evans.

Reported the same without amendment.

The first bill was then amended.

Ordered, That said bills be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

Resolved, That said bills do pass, and that the title of the first be amended by adding "and for other purposes," and the title of the second be as aforesaid.

Mr. L. Combs, from the same committee, to whom was referred the bill for the benefit of Jediah McLure, reported the same without amendment.

And the question being taken on engrossing and reading said bill a third time, it decided in the negative, and so said bill was rejected.

Mr. L. Combs, from the committee on Ways and Means, reported the following bills, viz:

A bill for the benefit of William T. Dudley, Clerk of the Fleming County Court.

A bill for the benefit of Mary Flint, of Oldham county.

A bill for the benefit of Samuel F. Singleton.

A bill for the benefit of Sally Gustin.

A bill for the benefit of Harriet Stroude, and the heirs of Edward Stroude.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third

readings of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the Senate announcing their concurrence in the amendments proposed by this House, to bills from the Senate of the following titles, viz:

An act to amend the act concerning slaves, approved February 5th, 1845 and for other purposes.

An act to amend an act, entitled, an act to amend an act, entitled, at act incorporating the Louisville and Mississippi Railroad Company, and to promote the construction of a Railroad between said city and river.

An act for the benefit of the Louisville Tobacco Warehouse.

An act to allow the county of Lincoln one additional Justice of the Peace.

An act to incorporate the town of Shelbyville.

That they had passed bills from this House, of the following titles, viz:

An act authorizing the Secretary of State to furnish Justices of the Peace with Morehead and Brown's Digest.

An act to reduce the price of vacant and unappropriated lands in Grayson county.

An act to amend an act, entitled, an act to establish a Seminary of Learning in Morgantown, and for other purposes.

An act for the benefit of Common Schools in the city of Maysville and Carroll county, and for other purposes.

And that they had passed bills of the following titles, viz:

An act requiring County Courts to be held in Green county in the months of May and November.

An act regulating the terms of the Circuit Courts in the first and fourth Judicial Districts, and for other purposes.

An act to incorporate the Floyd's Fork Turnpike Company.

Mr. L. Combs, from the committee on Ways and Means, to whom was referred a bill to amend an act, entitled, an act to amend the laws upon the subject of Pedlers, approved February 7, 1845, reported the same with an amendment, as a substitute; which was concurred in.

The hour of 12 o'clock having arrived, the House proceeded to the orders of the day.

Ordered, That Mr. L. Combs inform the Senate that this House is now ready to proceed to the election of Public Officers.

A message was received from the Senate by Mr. Peyton, that they were ready to proceed to the election of Public Officers.

Mr. L. Combs nominated Mr. James Davidson as a proper person to fill the office of Treasurer; and after interchanging nominations, the House took the vote, when Mr. Davidson received the unanimous vote of this House.

Messrs. L. Combs and Stevenson were appointed a committee on the part of this House, to examine the joint vote and report the result.

After a short time Mr. Stevenson reported that Mr. James Davidson had received the unanimous vote of both Houses.

Whereupon he was declared duly elected Treasurer of this Commonwealth for the ensuing year.

The House then proceeded to the election of Public Printer.

Mr. Brown nominated Mr. A. G. Hodges, and Mr. Hardy nominated Mr. W. Tanner; and after interchanging nominations, this House proceeded to take the vote, which stood thus:

Those who voted for Mr. A. G. Hodges, were—

Mr. Speaker,	Glenn,	Railey,
Messrs. Alexander,	Glover,	Reid,
Balee,	Gore,	Riley,
Barkley,	Haggard,	Seaton,
Barlow,	Harlan,	Smith, E.
Botts,	Hay,	Smith, J.
Bowling, R. C.	Hughes,	Smith, J. Speed
Breeden,	Hunton,	Sparks,
Brown,	Jackson,	Speed,
Brooks,	Jones,	Stephens,
Clack,	Kelly,	Stone, B.
Combs, J.	Layne,	Stone, S.
Combs, L.	Mason,	Thomas, W.
Cox,	Mayhall,	Thurston,
Dallam,	Maxey,	Wallace,
Darnaby,	McCampbell,	Waller,
Duncan,	Myers,	Wheat,
Evans,	Orndorff,	Whitsett,
Ford,	Pope,	Wortham—59.
Finnell,	Purdom,	

Those who voted for Mr. Wm. Tanner, were—

Messrs. Abbett,	Elliott,	Miller,
Anthony,	Fallis,	Moore,
Barnett,	Gano,	Murray,
Begley,	Gardner,	Orr,
Bowling, G.	Hardy,	Peters,
Brawner,	Hatfield,	Priest,
Cessna,	Headley,	Rodman,
Clarke,	Howell,	Shawhan,
Cleaveland,	Johnson, D. B.	Short,
Conner,	Johnston, A.	Stevenson,
Desha,	Lapsley,	Thomas, A. W.
Dudley,	Mayes,	Walker—36.

The same committee were directed to compare the joint vote, and report the result.

After a short time, Mr. Stevenson reported that the joint vote stood thus:

For A. G. Hodges,	-	-	-	-	82
Wm. Tanner,	-	-	-	-	50

The House then proceeded to the election of Librarian.

Mr. Cox nominated Mr. George A. Robertson; Mr. Hardy nominated Mr. Charles G. Leonard; and Mr. Finnell nominated Mr. C. Coghlan; and after interchanging nominations, the House proceeded to take the vote, which stood thus:

Those who voted for Mr. G. A. Robertson, were—

Mr. Speaker.	Ford,	Pope,
Messrs. Alexander,	Glover,	Purdom,
Anthony,	Gore,	Railey,
Balee,	Harlan,	Reid,
Barkley,	Hay,	Riley,
Botts,	Hughes,	Seaton,
Bowling, R. C.	Hunton,	Smith, E.
Breeden,	Jackson,	Smith, J. Speed
Brown,	Jones,	Sparks,
Brooks,	Kelly,	Stevenson,
Clack,	Layne,	Stone, B.
Cleaveland,	Mason,	Stone, S.
Combs, J.	McCampbell,	Thomas, W.
Combs, L.	Miller,	Thurston,
Cox,	Moore,	Walker,
Dallam,	Myers,	Wallace,
Darnaby,	Orndorff,	Waller,
Duncan,	Peters,	Whitsett—55.
Evans,		

Those who voted for Mr. C. G. Leonard, were—

Messrs. Abbett,	Gano,	Murray,
Barlow,	Gardner,	Orr,
Barnett,	Glenn,	Priest,
Begley,	Haggard,	Rodman,
Bowling, G.	Hardy,	Shawhan,
Browner,	Hatfield,	Short,
Cessna,	Headley,	Smith, J.
Clarke,	Howell,	Speed,
Conner,	Johnson, D. B.	Stephens,
Desha,	Johnston, A.	Thomas, A. W.
Dudley,	Lapsley,	Wheat,
Elliott,	Mayhall,	Wortham—38.
Fallis,	Maxey,	

Those who voted for Mr. C. Coghlan, were—

Messrs. Finnell,	Mayes—2.
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The same committee were directed to compare the joint vote and report the result.

After a short time, Mr. Stevenson reported that the joint vote stood thus:

For George A. Robertson,	-	-	-	-	82
Charles G. Leonard,	-	-	-	-	45
Mr. C. Coghlan,	-	-	-	-	5

The House then proceeded to the election of a Director for the Lunatic Asylum for five years.

Mr. Balee nominated Mr. William A. Leavy; and after interchanging nominations, the House proceeded to take the vote, when Mr. Leavy received the unanimous vote of this House.

The same committee were directed to compare the joint vote and report the result.

After a short time, Mr. Stevenson reported that Mr. William A. Leavy had received the unanimous vote of both Houses.

The House then proceeded to the election of a Director of the Lunatic Asylum, in the place of William B. Kinkead, resigned.

Mr. Hughes nominated Mr. George B. Kinkead: and after interchanging nominations, the House proceeded to take the vote, when Mr. Kinkead received the unanimous vote of this House.

The same committee were directed to compare the joint vote and report the result.

After a short time, Mr. Stevenson reported that Mr. Kinkead had received the unanimous vote of both Houses.

On motion of Mr. Gore,

Ordered, That leave of absence, for the balance of the session, be granted to Mr. Botts.

Mr. Dallam, from the committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act to incorporate the Lawrence county Coal Mining Company.

An act to reduce the number of Justices in Perry county.

An act to provide for districting the county of Trimble into Magistrates' districts.

An act to run the county line between the counties of Knox and Harlan.

An act for the benefit of Catharine Dagnam.

An act for the benefit of John W. Carter.

An act for the relief of John S. Lucas, of Warren county.

An act to change the names of William Henry Rice and John Wilson Dollins, and for the benefit of William H. Garnett.

An act for the benefit of Robert A. and Mary P. Moffett.

An act to change and more particularly define the county line between the counties of Perry and Breathitt.

An act for the relief of Milton Busby.

An act for the relief of John Tompkins.

An act providing for a change of venue in the prosecution against Joseph H. Coleman.

An act providing for a change of venue in the prosecution against Charles Yates.

An act to amend an act, entitled, an act to amend an act incorporating the town of Columbia, approved February 27, 1844.

An act for the benefit of Frederick Potter.

An act for the benefit of the heirs of Hubbard B. Smith, deceased.

An act for the benefit of Jacob White, Sheriff of Fulton county.

An act to amend an act, entitled, an act to amend the charter of the Louisville and Elizabethtown Turnpike and Covington and Lexington Turnpike Company, approved February 7, 1845.

An act for the benefit of L. Graves, of Gallatin county.

An act to amend an act, entitled, an act to add a portion of Nicholas to Bracken county, approved February 29, 1844.

An act to amend and reduce into one the several acts in relation to the town of New Liberty, in Owen county.

And bills which originated in the Senate, of the following titles, viz:

An act to change the venue in the prosecution against Charles Darnals.

An act for the benefit of the Louisville Tobacco Warehouse.

An act to amend the act concerning slaves, approved February 5, 1845, and for other purposes.

An act requiring Sheriffs to execute bond in double the amount of the revenue collected.

An act to allow to the county of Lincoln an additional Justice of the Peace.

An act to amend an act, entitled, an act to amend an act incorporating the Louisville and Mississippi Railroad Company, and to promote the construction of a Railroad between said city and river.

An act to establish and improve a State road from James Carlton's ferry, in Boone county, to intersect the Covington and Lexington Turnpike Road.

An act to transfer the duties of the President of the Bank of the Commonwealth and Agent of the Old Bank of Kentucky to the First Auditor, and requiring certain duties of the First Auditor and Attorney General.

An act to authorize the Mississippi Railroad Company to extend their Railroad from the South boundary line of the Commonwealth of Kentucky, to the Mississippi river.

An act granting a change of venue to Marmaduke Coker.

An act to amend the law in relation to idiots and lunatics, approved February 12, 1840.

An act for the benefit of certain Sheriffs.

An act to divorce Elizabeth Wydel.

An act for the benefit of Ann Elizabeth Long.

An act to incorporate the town of Shelbyville, and for other purposes.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Dallam inform the Senate thereof.

Mr. Pope, from the committee on the Judiciary, to whom was referred a bill from the Senate, entitled, an act for the benefit of Elizabeth Thompson and her infant children, reported the same without amendment.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The House resumed the consideration of the bill from the Senate, entitled, an act for the benefit of the Lunatic Asylum.

The said bill reads as follows, viz:

SEC. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*. That the sum of ten thousand dollars, be and the same is hereby appropriated to the Lunatic Asylum, for the purpose of enabling the Directors to make such additions to the buildings of said institution as they may deem necessary and proper; and the same shall be paid to the Chairman of the Board of Directors, upon his executing bond with security, to be approved by the Fayette County Court, in the penalty of twenty thousand dollars, conditioned for the faithful application of the same to the purposes herein provided for.

SEC. 2. That the first, second, third, fourth, and sixth sections of an act providing compensation to Sheriffs and others, for conveying persons of unsound mind to the Lunatic Asylum, approved March 10, 1843, be and the same are hereby repealed; and the fifth section of said act is so amended as to authorize the Circuit Judges of this Commonwealth, not only to issue writs, and direct juries to be summoned in vacation, to inquire into the state of mind of any unsound person, but said Judges are authorized to act in all respects, in the same manner, and to make the same orders, as if the inquisition were held in open court; and they shall cause their proceedings to be entered of record in the Circuit Court Clerk's office of the county where the inquisition is had, as if held in open court. And said Judges are authorized to hold inquisitions in any county, whether the person of unsound mind resides in said county or not.

SEC. 3. That hereafter it shall be the duty of the courts, in all cases where persons of unsound mind are ordered by said court to be conveyed to the Lunatic Asylum, to appoint some prudent person to convey them to the Asylum, who shall not receive more compensation for his services than will pay his expenses in going and returning, to be fixed by the court, and certified by the Clerk; and if said court cannot obtain a suitable person, upon such terms, the Clerk of said court shall forthwith transmit to the Directors of said Asylum, a copy of the record in such case, and if the proceedings have been regular, and the party be entitled to admission and support, at the ex-

pense of the State, the said Directors shall immediately send and have such person or persons conveyed to the Asylum, who shall not receive more for his services than a sufficient amount to defray necessary expenses.

SEC. 4. That in all examinations ordered by the court, as to the unsoundness of the mind of any person, the jury shall inquire and report on the following points: The age? Occupation? Married or single? Length of time insane? Is it the first attack? How did it exhibit itself? Has it changed? Is there violence? Are there any peculiar illusions? Is the disposition much changed? Ever attempted to commit suicide? Is the patient subject to fits? How long? and from what cause? What the cause of insanity? Any relations insane? What are his or her habits? Is he or she educated? What is his or her natural temper? Affection to relations? and general health? *Provided, however*, that the failure of the jury to respond to any of the inquiries herein suggested, shall be no cause for refusing to receive any lunatic into the Asylum.

SEC. 5. That all bonds taken by said Directors, for the boarding of lunatics, or other purposes, shall be made payable to the Commonwealth; and all causes of action arising thereon, or in any way accruing to the Commonwealth, on account of persons confined in said Asylum, may be maintained and prosecuted in the General Court.

SEC. 6. That the Directors of said Asylum, be and they are hereby authorized to charge the patients, who are able to pay for their maintenance and support, such sum as they, in their discretion, may deem just and equitable, not exceeding five dollars per week, regulating the charge according to the trouble given, and the accommodations required.

SEC. 7. That the Governor of this Commonwealth shall appoint three discreet Commissioners, whose duty it shall be to examine and select a suitable location for a Lunatic Asylum, in some part of the Green River country, and whether the land can be obtained, the price of the same, and the probable cost of erecting suitable buildings for such an institution; and the report of such Commissioners shall be laid before the next Legislature.

Mr. Brown moved to amend the bill by striking out the first section and inserting the following in lieu thereof, viz:

That it shall be the duty of the Governor to appoint three discreet and suitable Commissioners, to select some eligible location, in the Green river country or southern portion of the State, for the construction of suitable buildings for a Lunatic Asylum, with power to contract for the building of the same. That whenever the Commissioners thus appointed, shall have made the selection of a location and report the same to the Governor, it shall be his duty to issue his warrant on the Treasury for the sum of \$10,000, to be paid out of any money in the Treasury not otherwise appropriated, for the construction of said buildings, which shall be expended under the supervision of said Commissioners, in erecting said building according to the plan they may deem most advisable.

Mr. Wortham moved the previous question, and it was decided in the affirmative.

The main question was then put, shall the amendment proposed by Mr. Brown be adopted? and it was decided in the negative.

The yeas and nays being required thereon by Messrs. Brown and Stevenson, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Hay,	Railey,
Brown,	Headley,	Riley,
Cessna,	Howell,	Short,
Clack,	Johnston, A.	Smith, J.
Dallam,	Jones,	Stone, B.
Dudley,	Kelly,	Stone, S.
Elliott,	Mayes,	Thomas, A. W.
Evans,	Maxey,	Wheat,
Fallis,	Miller,	Whitlock,
Ford,	Moore,	Whitsett,
Gardner,	Murray,	Wortham—35.
Haggard,	Priest,	

Those who voted in the negative, were—

Mr. Speaker,	Glenn,	Orr,
Messrs. Abbett,	Glover,	Peters,
Anthony,	Harlan,	Pope,
Balee,	Hatfield,	Purdom,
Barkley,	Hughes,	Rodman,
Barlow,	Hunton,	Seaton,
Begley,	Jackson,	Shawhan,
Bowling, G.	Johnson, D. B.	Smith, J. Speed
Brawner,	Lapsley,	Sparks,
Breeden,	Layne,	Speed,
Brooks,	Mason,	Stephens,
Cleveland,	Mayhall,	Stevenson,
Conner,	McCampbell,	Thurston,
Desha,	McKellup,	Walker,
Finnell,	Myers,	Wallace.
Gano,	Orndorff,	Waller—48.

Ordered, That said bill be read a third time.

Mr. Brown moved a reconsideration of the vote ordering said bill to be read a third time, and it was decided in the affirmative.

The said bill was then amended by striking out of the first section "ten thousand," and inserting "five thousand."

The said bill was further amended by striking out the seventh section.

Mr. Brown moved to amend said bill by adding the following section, viz:

Be it further enacted, That it shall be the duty of the Governor to appoint three discreet and suitable Commissioners, to select some eligible location in the Green River Country, or Southern portion of the State, for the construction of suitable buildings for a Lunatic Asylum, with power to contract for the building of the same. That whenever the Commissioners, thus appointed, shall have made the selection of a location, and report the same to the Governor, it shall be his duty to issue his warrant upon the Treasury for the sum of five thousand dollars, to be paid out of any money in the

Treasury, and not otherwise appropriated, for the construction of said buildings; which shall be expended under the supervision of said Commissioners, in erecting said building according to the plan they may deem most advisable.

And the question being taken on adopting the same, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hughes and G. Bowling, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Elliott,	Jackson,
Messrs. Alexander,	Evans,	Kelly,
Anthony,	Ford,	Lapsley,
Balee,	Finnell,	Maxey,
Barkley,	Gardner,	Murray,
Barnett,	Glenn,	Orndorff,
Breeden,	Glover,	Pope,
Brown,	Gore,	Purdom,
Cessna,	Haggard,	Smith, J. Speed
Clack,	Harlan,	Stephens,
Clarke,	Hardy,	Thomas, A. W.
Combs, J.	Hatfield,	Wallace,
Combs, L.	Howell,	Waller,
Dallam,	Hughes,	Whitsett—42.

Those who voted in the negative, were—

Messrs. Abbott,	Johnston, A.	Rodman,
Barlow,	Jones,	Seaton,
Begley,	Layne,	Shawhan,
Bowling, G.	Mason,	Short,
Browner,	Mayhall,	Smith, E.
Brooks,	Mayes,	Smith, J.
Cleaveland,	McCampbell,	Sparks,
Conner,	McKellup,	Speed,
Desha,	Miller,	Stevenson,
Dudley,	Moore,	Stone, B.
Fallis,	Myers,	Thomas, W.
Gano,	Orr,	Thurston,
Hay,	Peters,	Walker,
Headley,	Priest,	Wheat,
Hunton,	Railey,	Whitlock,
Johnson, D. B.	Riley,	Wortham—48.

Ordered, That the said bill, as amended, be read a third time.

Mr. Dallam moved to lay said bill on the table.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Brown and Headley, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barlow,	Evans,	Orndorff,
Bowling, G.	Fallis,	Orr,
Brawner,	Headley,	Smith, E.
Brooks,	Hunton,	Speed,
Cleaveland,	Johnston, A.	Walker,
Dallam,	Kelly,	Whitlock,
Dudley,	Layne,	Wortham—21.

Those who voted in the negative, were—

Mr. Speaker,	Haggard,	Priest,
Messrs. Abbett,	Harlan,	Purdom,
Alexander,	Hardy,	Railey,
Anthony,	Hay,	Riley,
Balee,	Howell,	Rodman,
Barkley,	Hughes,	Seaton,
Begley,	Jackson,	Shawhan,
Breedon,	Johnson, D. B.	Short,
Brown,	Jones,	Smith, J.
Cessna,	Mason,	Smith, J. Speed
Clack,	Mayhall,	Sparks,
Clarke,	Mayes,	Stephens,
Combs, J.	Maxey,	Stevenson,
Combs, L.	McC Campbell,	Stone, B.,
Desha,	McKellup,	Thomas, A. W.
Ford,	Miller,	Thomas, W.
Finnell,	Moore,	Thurston,
Gano,	Murray,	Wallace,
Gardner,	Myers,	Waller,
Glenn,	Peters,	Wheat,
Glover,	Pope,	Whitsett—63.

Mr. Anthony moved to amend said bill by adding the following engrossed clause, by way of rider, viz:

Be it further enacted, That it shall be the duty of the Governor to appoint three discreet and suitable Commissioners, to select some eligible location in the Green River Country, or Southern portion of the State, for the erection of a Lunatic Asylum, and that it be made their duty to report to the next General Assembly.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Headley and Dallam, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Glenn,	Pope,
Messrs. Abbett,	Glover,	Purdom,
Alexander,	Gore,	Railey,
Anthony,	Harlan,	Riley,
Balee,	Hatfield,	Rodman,
Barkley,	Hay,	Shawhan,

Barlow,	Howell,	Short,
Begley,	Hughes,	Smith, J.
Breeden,	Hunton,	Smith, J. Speed
Brown,	Jackson,	Sparks,
Brooks,	Kelly,	Speed,
Cessna,	Lapsley,	Stephens,
Clack,	Mason,	Stevenson,
Clarke,	Mayes,	Stone, B.
Cleaveland,	Maxey,	Thomas, A. W.
Combs, J.	McCampbell,	Thurston,
Combs, L.	McKellup,	Walker,
Desha,	Miller,	Wallace,
Elliott,	Moore,	Waller,
Fallis,	Murray,	Wheat,
Ford,	Myers,	Whitlock,
Finnell,	Orndorff,	Whitsett,
Gano,	Peters,	Wortham—70.
Gardner,		

Those who voted in the negative, were—

Messrs. Bowling, G.	Haggard,	Mayhall,
Brawner,	Headley,	Orr,
Conner,	Johnson, D. B.	Priest,
Dallam,	Johnston, A.	Seaton,
Dudley,	Jones,	Smith, E.
Evans,	Layne,	Thomas, W.—18.

The question was then taken on the passage of said bill, and decided in the affirmative.

Resolved, That the title thereof be as aforesaid.

A message was received from the Senate announcing their disagreement to the amendments proposed by this House to bills from the Senate of the following titles, viz:

An act prescribing further duties of the Board of Internal Improvement.

An act in relation to the Penitentiary.

That they had passed a bill from this House, entitled, an act to incorporate the Licking River Navigation Company, with amendments.

That they had passed bills of the following titles, viz:

An act to amend the election laws.

An act concerning the Public Printing.

An act prescribing the mode for a change of venue in criminal cases.

An act to incorporate the Frankfort Manufacturing Company.

An act to repeal an act, entitled, an act to amend the revenue laws, approved March 10, 1843, imposing a tax on gold spectacles.

A bill from the Senate, entitled, an act to incorporate the Floyd's Fork Turnpike Company, was read the first time and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The amendments proposed by the Senate to a bill from this House, entitled, an act to incorporate the Licking River Navigation Company, were taken up, twice read and concurred in.

Mr. Stevenson, from the committee on Internal Improvement, to whom was referred a bill from the Senate, entitled, an act to amend the charter of the Louisville and Elizabethtown Turnpike Road Company, and provide for the erection of a bridge across Salt river at the mouth, reported the same with an amendment; which was disagreed to.

Ordered, That said bill be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Stevenson, from the same committee, reported a bill providing for settling the claims of the Licking river Contractors: which was read the first time.

And the question being taken on reading said bill a second time, it was decided in the negative, and so the said bill was rejected.

Mr. Wheat read and laid on the table the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a committee of one from the Senate, and two from the House of Representatives, be appointed to call on His Excellency the Governor, and ask leave to withdraw from the office of the Secretary of State, an enrolled bill which originated in the House of Representatives, entitled an act to grant a change of venue for Joseph H. Coleman.

The rule of the House requiring joint resolutions to lie one day on the table having been dispensed with, the said resolution was twice read and adopted.

Mr. Whitsett, from the committee on Internal Improvement, reported a bill to construct a State road from Russellville, in Logan county, to the mouth of Muddy river, in the county of Butler, which was read the first time.

Ordered, That said bill be laid on the table.

Mr. Stevenson, from the committee on Internal Improvement, reported a bill for the benefit of the Lexington and Covington Turnpike Road Company, which was read the first time.

Ordered, That said bill be laid on the table.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By the committee on Internal Improvement—1. A bill to revive and amend an act, entitled, an act to incorporate a Turnpike Road from Lancaster to Crab Orchard.

By same—2. A bill to incorporate the Danville and Perryville Turnpike Road Company.

By same—3. A bill to amend the charter of the Danville and Hustonville Turnpike Road Company.

By the committee on Privileges and Elections—4. A bill to allow the voters in an election precinct in Warren county to determine on the removal of the place of voting in said precinct.

By same—5. A bill concerning the town of Winchester.

By the committee on Internal Improvement—6. A bill vesting the Gallatin and Carroll County Courts with power to change a State road, and for other purposes.

By same—7. A bill to amend an act, entitled, an act to establish a State road through Grayson county to Bowlinggreen.

By the committee on Education—8. A bill to amend and revive an act to incorporate the Bath Seminary, and for other purposes.

By the committee on Internal Improvement—9. A bill providing for a State road from Adairsville, in Logan county, to Bowlinggreen, in Warren county.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the Senate announcing their concurrence in the amendments proposed by this House, to bills from the Senate of the following titles, viz:

An act to amend the charter of the Glasgow and Scottville Turnpike Road Company.

An act to incorporate the Commissioners of the Sinking Fund of Kentucky.

And their disagreement to bills from this House of the following titles, viz:

An act authorizing a sale of the old Seminary at Bardstown.

An act for the benefit of the infant heirs of James Howe, deceased.

An act for the benefit of Benedict W. Drury's executor.

That they had passed bills from this House, of the following titles, viz:

An act for the benefit of the several County Courts.

An act to limit the elections in Calloway and Marshall counties to one day.

An act to incorporate the Augusta Presbyterian Church in Bracken county, and for other purposes.

An act for the benefit of Alexander M. Rigg.

An act divorcing Catharine Smith and changing her name.

An act divorcing Susan Garnett from her husband, James H. Garnett, and changing her name.

An act for the benefit of Samuel F. Taylor, and others.

An act to incorporate the Dialectic Society of Shelby College.

An act for the benefit of the widow and heirs of George M. Bedinger, deceased.

An act to amend in part and repeal in part, an act, entitled, an act to amend the laws incorporating the town of Hickman, in Fulton county.

An act to establish a chancery term of the Union Circuit Court, and to change the terms of the Boyle Circuit Court.

An act to authorize the County Court of Union to sell a part of the public square in Morganfield.

An act to regulate the spring term of the Trimble Circuit Court.

An act to amend an act, entitled, an act for the benefit of Eliza A. Roman, approved February 13, 1844.

An act to establish a Mechanics' Institute in the town of Paducah.

An act to allow an additional week to the Ballard Circuit Court.

An act for the benefit of William F. B. Garrett and Rebecca Garrett.

An act requiring Clerks of County Courts to perform certain services.

An act to regulate the time of holding the County Courts of Larue.

An act to enlarge the boundaries of the town of Owensboro', in Daviess county.

An act authorizing the Trustees of the town of Jackson to change an alley in said town.

An act to incorporate the Blue Lick Hotel and Water Company.

An act to incorporate the town of Burksville, and for other purposes.

An act to amend the law of civil and chancery proceedings.

An act to enlarge the powers and jurisdiction of the Police Judge of the town of Morganfield, and for other purposes.

An act to change the August term of the Hickman County Court.

With amendments to the three last named bills.

That they had passed bills of the following titles, viz :

An act to provide for the taking of the depositions of Attorneys at Law, and for other purposes.

An act to amend the jury law.

An act concerning the Methodist Episcopal Church of Madison county.

And had received official information that the Governor had approved and signed bills and resolutions which originated in the Senate, of the following titles, viz :

An act for the benefit of S. Duncan and C. A. Wilson.

An act for the benefit of the Reformed Baptist Church of Slate Run, in Bath county.

An act to allow an additional Justice of the Peace to Washington county.

An act to amend the charter of the Bardstown Female Academy.

An act for the benefit of John Ricks.

An act to change the name of Eufracia Hendrix to that of Eufracia Smith, and to change the name of Benjamin Thomas Sparr.

An act for the benefit of Common Schools in Laurel, Livingston, and Greenup counties.

Also, a joint resolution fixing a day for the election of Public Officers.

Approved February 20, 1846.

An act for the benefit of Ann Elizabeth Long.

An act to divorce Elizabeth Wydel.

An act for the benefit of certain Sheriffs.

An act to amend the law in relation to idiots and lunatics, approved February 12, 1840.

An act to authorize the Mississippi Railroad Company to extend their Railroad from the South boundary line of the Commonwealth of Kentucky, to the Mississippi river.

An act granting a change of venue to Marmaduke Coker.

An act to incorporate the town of Shelbyville, and for other purposes.

An act to transfer the duties of the President of the Bank of the Commonwealth and Agent of the Old Bank of Kentucky to the First Auditor, and requiring certain duties of the First Auditor and Attorney General.

An act to establish and improve a State road from James Carlton's ferry, in Boone county, to intersect the Covington and Lexington Turnpike Road.

An act to amend an act, entitled, an act to amend an act incorporating the Louisville and Mississippi Railroad Company, and to promote the construction of a Railroad between said city and river.

An act to allow to the county of Lincoln one additional Justice of the Peace, and for other purposes.

An act requiring Sheriffs to execute bond in double the amount of the revenue collected.

An act for the benefit of the Louisville Tobacco Warehouse.

An act to amend the act concerning slaves, approved February 5, 1845, and for other purposes.

An act to change the venue in the prosecution against Charles Darnals.

Approved February 21, 1846.

Mr. Stevenson read and laid on the table, the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky,
That the resolution to adjourn *sine die* on the 23d instant, be and the same

is hereby rescinded, and that they will adjourn *sine die* on the 25th instant, at 3 o'clock, P. M.

Resolved, That this House insist on their amendments to a bill from the Senate, entitled, an act in relation to the Penitentiary.

A bill from the Senate, entitled, an act concerning Public Printing, was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Mr. Finnell moved the previous question, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Glenn and Stevenson, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Gore,	Reid,
Messrs. Alexander,	Harlan,	Riley,
Barkley,	Hardy,	Seaton,
Barlow,	Hatfield,	Short,
Bowling, R. C.	Hay,	Smith, J.
Brown,	Howell,	Smith, J. Speed
Brooks,	Hughes,	Sparks,
Cessna,	Jones,	Speed,
Clack,	Kelly,	Stephens,
Combs, J.	Layne,	Stone, B.
Combs, L.	Mason,	Stone, S.
Conner,	Mayes,	Thomas, A. W.
Darnaby,	Maxey,	Thurston,
Duncan,	McCampbell,	Wallace,
Evans,	McKellup,	Waller,
Ford,	Myers,	Wheat,
Finnell,	Orndorff,	Whitsett,
Gardner,	Pope,	Wortham—55.
Glover,		

Those who voted in the negative, were—

Messrs. Abbett,	Glenn,	Moore,
Anthony,	Haggard,	Murray,
Begley,	Headley,	Peters,
Bowling, G.	Hunton,	Priest,
Clarke,	Johnson, D. B.	Rodman,
Desha,	Johnston, A.	Shawhan,
Dudley,	Lapsley,	Stevenson,
Elliott,	Mayhall,	Walker,
Fallis,	Miller,	Whitlock—28.
Gano,		

The main question was then put, shall the bill be read a third time? and it was decided in the affirmative.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

The yeas and nays being required on the passage thereof by Messrs. Peters and Dudley, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker.	Gardner,	Murray,
Messrs. Abbett,	Glover,	Myers,
Alexander,	Gore,	Orndorff,
Anthony,	Haggard,	Pope,
Balee,	Harlan,	Reid,
Barkley,	Hardy,	Riley,
Barlow,	Hatfield,	Seaton,
Bowling, R. C.	Hay,	Shawhan,
Brown,	Howell,	Smith, J.
Brooks,	Hughes,	Smith, J. Speed
Cessna,	Hunton,	Sparks,
Clack,	Jones,	Speed,
Clarke,	Kelly,	Stephens,
Combs, L.	Lapsley,	Stone, B.
Conner,	Layne,	Stone, S.
Darnaby,	Mason,	Thomas, A. W.
Desha,	Mayhall,	Thurston,
Duncan,	Mayes,	Wallace,
Elliott,	Maxey,	Waller,
Evans,	McCampbell,	Wheat,
Ford,	McKellup,	Whitsett,
Finnell,	Miller,	Wortham—67.
Gano.		

Those who voted in the negative, were—

Messrs. Begley,	Johnson, D. B.	Rodman,
Bowling, G.	Johnston, A.	Short,
Dudley,	Moore,	Stevenson,
Fallis,	Peters,	Walker,
Headley,	Priest,	Whitlock—15.

A message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that he had approved and signed enrolled bills which originated in this House of the following titles, viz:

An act for the benefit of Jacob White, Sheriff of Fulton county.

An act to amend an act, entitled, an act to amend the charter of the Louisville and Elizabethtown Turnpike and Covington and Lexington Turnpike Company, approved February 7, 1845.

An act for the benefit of the heirs of Hubbard B. Smith, deceased.

An act to amend an act, entitled, an act to amend an act incorporating the town of Columbia, approved February 27, 1844, and for other purposes.

An act for the benefit of Frederick Potter.

An act for the benefit of L. Graves, of Gallatin county.

An act to amend an act, entitled, an act to add a portion of Nicholas to Bracken county, approved February 29, 1844.

An act to incorporate the Lawrence county Coal Mining Company.

An act to change the names of William Henry Rice and John Wilson Dollins, and for the benefit of William H. Garnett.

An act for the relief of John S. Lucas, of Warren county.

An act for the benefit of John W. Carter.

An act to reduce the number of Justices in Perry county.

An act to provide for districting the county of Trimble into Magistrates' districts.

An act to change and more particularly define the county line between the counties of Perry and Breathitt.

An act for the benefit of Robert A. and Mary P. Moffett.

An act for the benefit of Catharine Dagnan.

An act to run the county line between the counties of Knox and Harlan.

An act providing for a change of venue in the prosecution against Charles Yates.

An act for the relief of John Tompkins.

An act for the relief of Milton Busby.

An act to amend and reduce into one the several acts in relation to the town of New Liberty, in Owen county.

Approved February 21, 1846.

A message was received from the Senate, announcing that they insist on their disagreement to the amendments proposed by this House to a bill from the Senate, entitled, an act in relation to the Penitentiary, and had appointed a committee of conference on their part, to meet a similar committee on the part of this House, in relation to the disagreement between the two Houses on said bill.

Whereupon, Messrs. J. Speed Smith, Barlow, Hardy, Haggard, Stevenson and Peters, were appointed the committee on the part of this House.

A message was received from the Senate, announcing their concurrence in a resolution from this House, for appointing a committee to ask leave to withdraw from the Governor an enrolled bill, entitled, an act providing for a change of venue in the prosecution against Joseph H. Coleman.

Whereupon Messrs. Wheat and Haggard were appointed a committee on the part of this House.

A bill from the Senate, entitled, an act providing for the running and marking the line between Boone and Kenton counties, was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hughes moved a suspension of the rules, in order that the committee on the Sinking Fund might report a bill requiring Clerks of courts to pay into the Treasury all their fees over \$1,200.

And the question being taken thereon, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Hughes and Finnell, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Balee,	Hunton,	Orndorff,
Barlow,	Johnson, D. B.	Orr,
Bowling, R. C.	Johnston, A.	Peters,
Brown,	Kelly,	Smith, E.
Evans,	Lapsley,	Stone, B.
Finnell,	Layne,	Waller,
Glenn,	Mayhall,	Whitsett,
Hughes,	McKellup,	Wortham—24.

Those who voted in the negative, were—

Mr. Speaker,	Ford,	Murray,
Messrs. Abbett,	Gano,	Myers,
Alexander,	Gardner,	Pope,
Anthony,	Glover,	Priest,
Barkley,	Gore,	Riley,
Begley,	Haggard,	Rodman,
Bowling, G.	Harlan,	Seaton,
Brawner,	Hay,	Shawhan,
Brooks,	Headley,	Short,
Clack,	Howell,	Smith, J. Speed
Combs, L.	Jones,	Sparks,
Conner,	Mason,	Speed,
Darnaby,	Mayes,	Stone, S.
Desha,	Maxey,	Thomas, A. W.
Dudley,	McCampbell,	Thurston,
Duncan,	Miller,	Walker,
Elliott,	Moore,	Wallace—52.
Fallis,		

The amendments proposed by the Senate to bills from this House of the following titles, viz:

An act to allow an additional Justice of the Peace to Pulaski county.

An act to change the place of voting in an election precinct in Allen county, and for other purposes.

An act divorcing Joseph W. Tate from his wife Mary C. Tate.

An act to amend the law of civil and chancery proceedings.

An act to enlarge the powers and jurisdiction of the Police Judge of the town of Morganfield, and for other purposes.

An act to change the August term of the Hickman County Court.

An act to establish an election precinct in Warren county.

Were taken up, twice read and concurred in.

Mr. J. Speed Smith, from the committee of conference on the disagreement between the two Houses, on the bill from the Senate, entitled, an act in relation to the Penitentiary, made a report, which was concurred in.

A message was received from the Senate, announcing their concurrence in the report of the committee of conference on the disagreement between the two Houses on the bill from the Senate, entitled, an act in relation to the Penitentiary.

A message was received from the Senate announcing their concurrence in the amendments proposed by this House, to bills from the Senate of the following titles, viz:

An act to extend the time for registering headright surveys.

An act for the benefit of the Lunatic Asylum.

That they had passed bills from this House, of the following titles, viz:

An act authorizing the County Court of Marshall county to appoint a Treasurer.

An act for the benefit of the County Courts of Cumberland and Boyle.

An act for the benefit of John Stumps' children.

An act for the benefit of the heirs of Nicholas Smith, deceased.

An act for the benefit of Winston Roberts.

An act to change the place of voting in the Liberty precinct in Jessamine county, and for other purposes.

An act to change the place of voting in the county of Harlan, from the house of John Creech to the house of John Lewis, of said county.

An act to change the place of voting at the Lewisport precinct in Hancock county.

An act to change the place of voting in the Donaldson precinct in Caldwell county.

An act to establish an election precinct in Owsley county.

An act regulating elections in Hardin, Larue and Rockcastle counties.

An act to incorporate the Lexington and Kentucky River Rail Road Company.

An act for the benefit of the Methodist Episcopal Church in the town of Carlisle.

An act to incorporate the South Frankfort Bridge Company.

That they had passed bills of the following titles, viz:

An act to revive and amend an act, entitled, an act to incorporate the Louisville, Nashville and Knoxville Rail Road Company.

An act to amend an act, entitled, an act for the benefit of the owners of mills and other property injured by slackwater, approved 10th Feb. 1845.

A message was received from the Senate, by Mr. Hardin, reporting back to this House an act providing for a change of venue in the prosecution against Joseph H. Coleman, the same being withdrawn by joint resolution, from the Governor.

On motion of Mr. Pope,

Ordered, That the vote passing said bill and ordering said bill to be engrossed and read a third time, be reconsidered.

The said bill was then amended.

Ordered, That said bill, as amended, be re-engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being re-engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A bill from the Senate, entitled, an act regulating the terms of the Circuit Courts in the first and fourth Judicial Districts, and for other purposes, was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

The House adjourned.

MONDAY, FEBRUARY 23, 1846.

Mr. Miller asked leave to withdraw the petition of Thomas Stark; which was granted and the petition was withdrawn.

Mr. G. Bowling asked leave to withdraw the petition and remonstrance of sundry citizens of Morgan, Bath and Montgomery, praying for a new county; which was granted, and the same were withdrawn.

Mr. Mason asked leave to withdraw the petition of John Bussing; which was granted, and the same was withdrawn.

On the motion of Mr. Dallam,

Ordered, That Messrs. Peters and Dudley be added to the committee on Enrollments.

Mr. E. Smith moved the following resolution, viz:

Resolved, That the Public Printer be instructed to publish a synopsis of the acts of the present General Assembly, and forward to each member 100 copies.

The following bills were reported by the several committees appointed to prepare and bring in the same, viz:

By Mr. B. Stone--A bill to have the line run between Estill and Owsley counties.

By Mr. Peters--A bill to appropriate money to purchase books for the Penitentiary.

Which were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as afore-said.

Mr. Myers, from the committee appointed to prepare and bring in the same, reported a bill to amend an act declaring certain deeds valid, approved March 2, 1844; which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with, and the same being engrossed.

The question was then taken on the passage of said bill, and decided in the negative, and so said bill was rejected.

The House again resumed the consideration of the bill from the Senate, entitled, an act regulating the terms of the Circuit Courts in the first and fourth Judicial Districts, and for other purposes.

The said bill was then amended.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as afore-said.

A message was received from the Senate, announcing the passage of bills from this House of the following titles, viz:

An act for the relief of Emigrants to this State.

An act to change the place of voting in a precinct in Bath county, and for other purposes.

An act for the benefit of the widow and heirs of G. C. Bohannon, deceased.

An act to extend the limits of the town of Stanford.

An act divorcing Rhoda Ames from her husband, Davis S. Ames, and Mary Moore from her husband, William C. Moore.

An act authorizing a settlement with the Board of Internal Improvement.

With an amendment to the last named bill.

Ordered, That a message be sent to the Senate, asking leave to withdraw the report of this House announcing the passage of a bill from the Senate, entitled, an act to extend the time for registering headright surveys.

In a short time the messenger returned with said bill.

The vote passing said bill and the vote ordering it to be read a third time, were then reconsidered.

The said bill was then amended.

Ordered, That said bill, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Hardy, from the committee on Claims, reported a bill for the appropriation of money; which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bill having been dispensed with,

Ordered, That said bill be referred to a committee of the whole house for this day.

The House, accordingly, resolved itself into a committee of the whole, Mr. Stevenson in the Chair, on said bill; and after some time spent therein, the Speaker resumed the Chair, when Mr. Stevenson reported that the committee had, according to order, had under consideration the bill aforesaid, and had adopted sundry amendments thereto; which he handed in at the Clerk's table.

The 1st, 2d, 3d, and 4th amendments were then concurred in.

The 5th amendment to said bill was to strike out \$12,500 to the Lunatic Asylum.

And the question being taken on adopting the same, it was decided in the negative.

The yeas and nays being required thereon by Messrs. Wortham and Anthony, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Barlow,	Kelly,	Riley,
Bowling, G.	Layne,	Stone, B.
Bowling, R. C.	Mayhall,	Stone, S.
Brawner,	Orndorff,	Thomas, A. W.
Conner,	Orr,	Thomas, W.
Haggard,	Priest,	Whitsett,
Hunton,	Railey,	Wortham—21.

Those who voted in the negative, were—

Mr. Speaker,	Ford,	Miller,
Messrs. Abbett,	Finnell,	Moore.
Alexander,	Gano,	Murray,
Anthony,	Gardner,	Myers,
Balee,	Glenn,	Pope,
Barkley,	Glover,	Purdom,
Barnett,	Gore,	Reid,
Begley,	Harlan,	Rodman,
Breeden,	Hardy,	Seaton,
Brown,	Hatfield,	Shawhan,
Brooks,	Hay,	Short,
Cessna,	Headley,	Smith, E.
Clack,	Howell,	Smith, J.
Clarke,	Hughes,	Smith, J. Speed
Cleaveland,	Jackson,	Sparks,
Combs, L.	Johnston, A.	Speed,
Darnaby,	Jones,	Stephens,
Desha,	Lapsley,	Stevenson,
Dudley,	Mason,	Walker,
Duncan,	Mayes,	Wallace,
Elliott,	Maxey,	Waller,
Evans,	McC Campbell,	Wheat,
Fallis,	McKellup,	Whitlock—69.

The 6th amendment to said bill was then concurred in.

Mr. E. Smith moved to amend said bill by striking out the following, viz:

To Geo. W. Fox, for a horse lost in the service of the State, under a requisition of the Governor, detailed by Gen. P. Dudley to march to Clay county, to maintain the supremacy of the laws, seventy dollars.

To Francis Roberts, for a horse lost in the same service, forty dollars.

To William Moore, for injury done to his horse in the same service, twelve dollars.

To Robert Million, for injury done to his horse in the same service, eight dollars.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Mason and Short, were as follows, viz:

Those who voted in the affirmative, were—

Messrs. Alexander,	Gardner,	Murray,
Anthony,	Glover,	Orndorff,
Balee,	Gore,	Pope,
Barlow,	Hardy,	Priest,
Barnett,	Hatfield,	Purdom,
Begley,	Hay,	Railey,
Bowling, G.	Headley,	Seaton,
Bowling, R. C.	Howell,	Shawhan,
Brawner,	Johnston, A.	Short,
Breeden,	Jones,	Smith, E.

Brown,
Cessna,
Clack,
Combs, J.
Conner,
Elliott,
Evans,
Fallis,
Ford,

Kelly,
Lapsley,
Layne,
Mason,
Mayhall,
Maxey,
McCampbell,
Moore,

Smith, J.
Stone, S.
Thomas, W.
Waller,
Wheat,
Whitlock,
Whitsett,
Wortham—55.

Those who voted in the negative, were—

Mr. Speaker,
Messrs. Abbott,
Barkley,
Brooks,
Clarke,
Cleveland,
Combs, L.
Darnaby,
Desha,
Duncan,
Finnell,

Gano,
Haggard,
Harlan,
Hughes,
Hunton,
Jackson,
Mayes,
Miller,
Myers,
Orr,
Reid,

Rodman,
Smith, J. Speed
Sparks,
Speed,
Stephens,
Stevenson,
Stone, B.
Thomas, A. W.
Walker,
Wallace—32.

Ordered, That said bill, as amended, be engrossed and read a third time.

The rule of the House, constitutional provision and third reading of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Dallam, from the committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act to incorporate the Augusta Presbyterian Church in Bracken county, and for other purposes.

An act to incorporate the Dialectic Society of Shelby College.

An act for the benefit of Samuel F. Taylor, and others.

An act authorizing the Trustees of the town of Jackson to change an alley in said town.

An act to enlarge the boundaries of the town of Owensboro', in Daviess county.

An act for the benefit of the Methodist Episcopal Church in the town of Carlisle.

An act to regulate the spring term of the Trimble Circuit Court.

An act regulating elections in Hardin, Larue and Rockcastle counties.

An act to establish an election precinct in Owsley county.

An act to change the place of voting in the Donaldson precinct in Caldwell county.

An act to change the place of voting at the Lewisport precinct in Hancock county.

An act to change the place of voting in the county of Harlan, from the house of John Creech to the house of John Lewis, of said county.

An act to change the place of voting in the Liberty precinct in Jessamine county, and for other purposes.

An act for the benefit of the County Courts of Cumberland and Boyle.

An act for the benefit of the widow and heirs of George M. Bedinger, deceased.

An act for the benefit of Winston Roberts.

An act for the benefit of John Stumps' children.

An act for the benefit of the heirs of Nicholas Smith, deceased.

An act authorizing the County Court of Marshall county to appoint a Treasurer.

An act authorizing the Secretary of State to furnish Justices of the Peace with Morehead and Brown's Digest.

An act for the benefit of Common Schools in the city of Maysville and Carroll county, and for other purposes.

An act to authorize the County Court of Union to sell a part of the public square in Morganfield.

An act to establish a chancery term of the Union Circuit Court, and to change the terms of the Boyle Circuit Court.

An act to establish a Mechanics' Institute in the town of Paducah.

An act for the benefit of William F. B. Garrett and Rebecca Garrett.

An act to amend an act, entitled, an act to establish a Seminary of Learning in Morgantown, and for other purposes.

An act to reduce the price of vacant and unappropriated lands in Grayson county.

An act to regulate the time of holding the County Courts of Larue.

An act requiring Clerks of County Courts to perform certain services.

An act to incorporate the Licking River Navigation Company.

An act for the benefit of the several County Courts.

An act divorcing Catharine Smith and changing her name.

An act to amend in part and repeal in part, an act, entitled, an act to amend the laws incorporating the town of Hickman, in Fulton county.

An act for the benefit of Alexander M. Rigg.

An act divorcing Susan Garnett from her husband, James H. Garnett, and changing her name.

An act to allow an additional week to the Ballard Circuit Court.

An act to limit the elections in Calloway and Marshall counties to one day.

An act to amend an act, entitled, an act for the benefit of Eliza A. Roman, approved February 13, 1844.

And bills which originated in the Senate, of the following titles, viz:

An act to amend the charter of the Louisville and Elizabethtown Turnpike Road Company, and provide for the erection of a bridge across Salt river, at the mouth.

An act in relation to the Penitentiary.

An act for the benefit of the Lunatic Asylum.

An act to incorporate the Floyd's Fork Turnpike Company.

An act for the benefit of the Kentucky Institution for the Education of the Blind.

An act for the benefit of Elizabeth Thompson and her infant children.

An act concerning the Public Printing.

An act to amend the charter of the Glasgow and Scottville Turnpike Road Company.

An act to incorporate the Commissioners of the Sinking Fund of Kentucky.

An act for the benefit of James W. Prater and Erastus Evans.

An act providing for the running and marking the line between Boone and Kenton counties.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Dallam inform the Senate thereof.

A message was received from the Senate, announcing their concurrence in the amendments proposed by this House, to a bill from the Senate, entitled, an act to extend the time for registering headright surveys.

That they had passed bills from this House, of the following titles, viz:

An act providing for a change of venue in the prosecution against Joseph H. Coleman.

An act to amend the charter of the Danville and Hustonville Turnpike Road Company.

An act to incorporate the Danville and Perryville Turnpike Road Company.

An act authorizing the Trustees of the town of Port Royal to change an alley.

An act for the benefit of Mary Flint, of Oldham county.

An act to revive and amend an act, entitled, an act to incorporate a Turnpike Road from Lancaster to Crab Orchard.

An act for the benefit of Harriet Stroude and the heirs of Edward Stroude.

An act for the benefit of Sally Gustin.

An act for the benefit of Samuel F. Singleton.

An act for the benefit of William T. Dudley, Clerk of the Fleming County Court.

An act to incorporate the 4th Baptist Church of Louisville.

An act divorcing Rachel Hoskins from her husband, Davis Hoskins.

An act divorcing Pleasant Meadows from his wife, Sally Meadows.

An act for the benefit of Jacob Cardwell's heirs.

An act for the benefit of the devisees of William Logan, deceased.

An act for the benefit of the mechanics of the town of Danville, and for other purposes.

An act further to protect the rights of married women.

An act to amend an act, entitled, an act to establish a State road through Grayson county, to Bowlinggreen.

An act to amend and revive an act to incorporate the Bath Seminary, and for other purposes.

An act to appropriate money to purchase books for the Penitentiary.

An act providing for a State road from Adairsville, in Logan county, to Bowlinggreen, in Warren county.

An act vesting the Gallatin and Carroll County Courts with power to change a State road, and for other purposes.

An act to allow the voters in an election precinct in Warren county, to determine on the removal of the place of voting in said precinct.

With amendments to the two last named bills.

Mr. Dallam, from the committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act to amend the laws of civil and chancery proceedings.

An act to enlarge the powers and jurisdiction of the Police Judge of the town of Morganfield, and for other purposes.

An act divorcing Joseph W. Tate from his wife, Mary C. Tate.

An act for the benefit of Samuel F. Singleton.

An act divorcing Pleasant Meadows from his wife, Sally Meadows.

An act to change the place of voting in an election precinct in Allen county, and for other purposes.

An act to allow an additional Justice of the Peace to Pulaski county, and for other purposes.

An act to change the August term of the Hickman County Court.

An act to establish an election precinct in Warren county, and to extend the bounds of a precinct in Fayette county.

Whereupon, the Speaker affixed his signature thereto.

Ordered, That Mr. Dallam inform the Senate thereof.

A message was received from the Senate, announcing their disagreement to the amendments proposed by this House, to a bill from the Senate, entitled, an act regulating the terms of the Circuit Courts in the first and fourth Judicial Districts, and for other purposes.

And had passed a bill from this House, entitled, an act divorcing Lindsey Lister from his wife, Margaret Lister.

Mr. J. Speed Smith moved the following resolution, viz:

Resolved, That the Clerk of this House be directed to issue his certificate of pay from the commencement of the session, to those members who left home at, or before, the usual time, and were prevented from reaching here at the organization of the Legislature, on account of sickness or the severity of the weather; and to James N. Stephens from the commencement of the session to the day of his resignation.

Mr. Dallam, from the committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act to incorporate the town of Burksville, and for other purposes.

An act for the benefit of Sally Gustin.

An act to appropriate money to purchase books for the Penitentiary.

An act to incorporate the South Frankfort Bridge Company.

An act to incorporate the Blue Lick Hotel and Water Company.

An act for the benefit of Mary Flint, of Oldham county.

An act for the benefit of Harriet Stroude, and the heirs of Edward Stroude.

An act divorcing Rachel Hoskins from her husband, Davis Hoskins.

An act further to protect the rights of married women.

An act to authorize the Trustees of the town of Port Royal to change an alley.

An act to revive and amend an act, entitled, an act to incorporate a Turnpike Road from Lancaster to Crab Orchard.

An act to incorporate the Lexington and Kentucky River Railroad Company.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Dallam inform the Senate thereof.

A message was received from the Senate, announcing that they had passed bills from this House, of the following titles, viz:

An act for the benefit of Benjamin Haydon and John Fleming.

An act for the benefit of Lois Smallwood.

An act for the benefit of the Sheriff of Montgomery county.

An act for the benefit of S. J. Poston, late Sheriff of Hardin county.

The House took up the resolution read and laid on the table on yesterday by Mr. Stevenson.

The said resolution was then amended, and as amended, was twice read and concurred in.

Mr. Mayhall moved the following resolution, viz:

WHEREAS, Milton Mills, a member of the House of Representatives, departed this life on Friday, the 20th of this instant: and, whereas, it is represented that said Mills was put to the necessity of great expenditures during his last illness. Therefore:

Resolved, That said Mills be entitled to full pay as a member of this House.

Which was adopted.

A message was received from the Senate, announcing their concurrence in the resolution from this House rescinding the resolution fixing a day for the adjournment of the General Assembly.

Resolved, That this House recede from their amendments to a bill from the Senate, entitled, an act prescribing further duties of the Board of Internal Improvement.

The amendments proposed by the Senate, to bills from this House of the following titles, viz :

An act authorizing a settlement with the Board of Internal Improvement.

An act to allow the voters in an election precinct in Warren county, to determine on the removal of the place of voting in said precinct.

An act for the benefit of the mechanics of the town of Danville, and for other purposes.

An act vesting the Gallatin and Corroll County Courts with power to change a State road, and for other purposes.

Were taken up, twice read, and concurred in.

Mr. Riley, from the committee on Enrollments, reported that the committee had examined an enrolled bill from the Senate, entitled, an act to extend the time for registering headright surveys.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Riley inform the Senate thereof.

Bills from the Senate of the following titles, viz :

1. An act requiring County Courts to be held in Green county in the months of May and November.

2. An act to revive and amend an act, entitled, an act to incorporate the Louisville, Nashville and Knoxville Railroad Company.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second reading of said bills having been dispensed with,

The said bills were amended.

Ordered, That said bills, as amended, be read a third time.

The rule of the House, constitutional provision and third reading of said bills having been dispensed with,

Resolved, That said bills do pass, and that the title of the first be amended by adding "and for other purposes," and the title of the second be as aforesaid.

A bill from the Senate, entitled, an act for the benefit of John A. Hunt, of Whitley county, was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision, and second reading of said bill having been dispensed with,

Ordered, That said bill be read a third time to-morrow at 8 o'clock, A. M.

A bill from the Senate, entitled, an act to repeal an act, entitled, an act to amend the revenue laws, approved March 10, 1843, imposing a tax on gold spectacles, was read the first time.

Ordered, That said bill be laid on the table.

Bills from the Senate of the following titles, viz:

An act for the benefit of Robert B. Hall.

An act for the benefit of Rockcastle, Harlan and Owsley counties.

An act for the benefit of Edmund Robertson.

An act for the benefit of Missouri and Mary Jane Arnold.

An act to amend the election laws.

An act prescribing the mode for a change of venue in criminal cases.

An act to incorporate the Frankfort Manufacturing Company.

An act to provide for the taking of the depositions of Attorneys at Law, and for other purposes.

An act to amend the jury law.

An act concerning the Methodist Episcopal Church of Madison county.

An act to amend an act, entitled, an act for the benefit of the owners of mills and other property injured by slackwater, approved 10th Feb. 1845.

Were read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bills having been dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

A message was received from the Senate, announcing their concurrence in the amendments proposed by this House to a bill from the Senate, entitled, an act requiring County Courts to be held in Green county in the months of May and November.

That they had passed a bill from this House, entitled, an act for the appropriation of money, with an amendment.

And that they had passed a bill, entitled, an act to amend the law in relation to the Wilderness Turnpike Road.

The said bill was read the first time and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Dallam, from the committee on Enrollments, reported that the committee had examined enrolled bills which originated in this House, of the following titles, and had found the same truly enrolled, viz:

An act providing for a State road from Adairsville, in Logan county, to Bowlinggreen, in Warren county.

An act to amend the charter of the Danville and Hustonville Turnpike Road Company.

An act for the benefit of Benjamin Haydon and John Fleming.

An act for the benefit of S. J. Poston, late Sheriff of Hardin county.

An act to amend an act, entitled, an act to establish a State road through Grayson county, to Bowlinggreen.

An act to incorporate the 4th Baptist Church of Louisville.

An act to extend the limits of the town of Stanford.

An act for the benefit of the Sheriff of Montgomery county.

An act for the benefit of Lois Smallwood.

An act for the benefit of the widow and heirs of G. C. Bohannon, deceased.

An act for the benefit of William T. Dudley, Clerk of the Fleming County Court.

An act to amend and revive an act to incorporate the Bath Seminary, and for other purposes.

An act to change the place of voting in a precinct in Bath county, and for other purposes.

An act divorcing Rhoda Ames from her husband, Davis S. Ames, and Mary Moore from her husband, William C. Moore.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Dallam inform the Senate thereof.

Resolved, That this House insist on their amendments to a bill from the Senate, entitled, an act regulating the terms of the Circuit Courts in the first and fourth Judicial Districts,

And had appointed Messrs. Stevenson, Finnell, Waller, and McKellup a committee on the part of this House, to meet a similar committee on the part of the Senate, in relation to the disagreement between the two Houses on said bill.

Ordered, That Mr. Stevenson inform the Senate thereof.

The amendment proposed by the Senate to a bill from this House, entitled, an act for the appropriation of money, was taken up, twice read, and disagreed to.

Mr. Glenn reported a bill from the committee appointed to prepare and bring in the same, for the benefit of Larkin Harned, which was read the first time as follows, viz:

WHEREAS, Larkin Harned contracted for the construction of section 23, of the Logan, Todd and Christian Turnpike road, for which he was to be paid a sum of about \$4,835 20, exclusive of extra work: And whereas, said Harned subscribed for \$1,000 of stock in said Company, and agreed that said amount of stock should be deducted from the amount to which said Har-

ned would be entitled, upon the completion of said section of road: And whereas, said Harned entered upon and prosecuted said work, until by order of said Company, he was directed to suspend and discontinue the same, on account of inability of said Company to furnish funds to pay for said work: And whereas, upon examination of said work done, it was estimated to be worth fourteen hundred and ten dollars and 54 cents, and the said Company refuses to pay said Harned for said work, unless he will deduct therefrom the full amount of his subscription for stock in said Company; and as it is but just that said Harned should be paid for his work, and that only so much of his subscription of stock should be deducted therefrom as bears such proportion to the amount due him for work done, as the whole amount of his subscription of stock bears to the amount to which he would have been entitled had he performed and finished the whole work. For remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Board of Internal Improvement, be and they are hereby directed to settle with said Harned for work done and performed on the 23d section of the Logan, Todd and Christian Turnpike road, and to ascertain the amount due him, and the amount to be deducted therefrom on account of his subscription of stock in said road company, agreeably to his contract and agreement with said Company; and to give to said Harned a certificate of the amount so found to be due him; and also to state in a separate certificate, stating the proportion of the amount due said Harned which ought to be paid by the State. And the Treasurer is hereby directed, upon presentation of such certificate, to pay the amount thereof to said Harned, or to his order, and such certificate of the Board of Internal Improvement shall be full authority to the Treasurer to pay the same; and the proportion due said Harned by the said Company, shall be paid by said Company.

Be it further enacted, That the respective sums specified in the preamble to this act, are not to be held as conclusive evidence of the true amounts due; but the Board of Internal Improvement may hear and examine all the evidence presented in relation to said claim, and determine the correct amount due as aforesaid.

Mr. Hughes moved to lay said bill on the table.

And the question being taken thereon, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Glenn and Wortham, were as follows, viz:

Those who voted in the affirmative, were—

Mr. Speaker,	Gardner,	Orr,
Messrs. Abbett,	Glover,	Peters,
Alexander,	Haggard,	Pope,
Balee,	Harlan,	Priest,
Barkley,	Hardy,	Purdom,
Barlow,	Hatfield,	Railey,
Barnett,	Hay,	Reid,
Bowling, G.	Headley,	Rodman,
Brawner,	Howell,	Seaton,
Breeden,	Hughes,	Smith, J.
Brown,	Hunton,	Smith, J. Speed
Brooks,	Jackson,	Sparks,

Cessna,	Johnson, D. B.	Speed,
Combs, J.	Jones,	Stone, S.
Combs, L.	Kelly,	Thomas, A. W.
Conner,	Mason,	Thomas, W.
Dallam,	Mayes,	Thurston,
Darnaby,	Maxey,	Walker,
Dudley,	McCampbell,	Wallace,
Duncan,	Moore,	Wheat,
Elliott,	Murray,	Whitlock,
Evans,	Myers,	Whitsett,
Ford,	Orndorff,	Wortham—70.
Gano,		

Those who voted in the negative, were—

Messrs. Clack,	Glenn,	Riley,
Clarke,	Miller,	Shawhan—6.

A message was received from the Senate announcing that they had passed a bill, entitled, an act providing for the payment of repairs on Lock and Dam No. 1, on Barren river.

The said bill was read the first time, and ordered to be read a second time.

Mr. Evans, from the committee on Military Affairs, reported a bill for the benefit of Richard A. Price, Collector of the 25th Regiment, and for other purposes: which was read the first time, and ordered to be read a second time.

The rule of the House, constitutional provision and second and third readings of said bill having been dispensed with, and the same being engrossed,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Waller, from the committee on the Sinking Fund, made the following report, viz:

The committee on the Sinking Fund, to whom were referred certain resolutions of inquiry, touching the condition of the public debt and the Sinking Fund, have had the same under consideration, and beg leave respectfully to report:

That the public debt of the State upon which interest is payable as it existed at the time of the meeting of the General Assembly, stood as follows:

5 per cent. bonds, payable 35 years after date,	- -	\$ 165,000
5 per cent. bonds, payable 30 years after date,	- -	450,000
6 per cent. bonds, payable 30 years after date,	- -	3,579,000
6 per cent. bonds, payable 6 years after date,	- -	100,400
6 per cent. bonds, (for repair of the Railroad,) payable 6 years after date,	- -	84,000
5 per cent. bonds, due Northern Bank of Kentucky,	-	250,000
Money borrowed from Bank of Louisville, bearing 6 per cent. interest,	- - - - -	30,000

Amount carried forward, - - - - - \$ 4,658,400

Amount brought forward,	\$ 4,658,400
Railroad and Internal Improvement scrip, issued by the Northern Bank, and redeemable by the State, bearing 6 per cent. interest,	1,056
	<hr/>
	<u>\$ 4,659,456</u>

Since the meeting of the General Assembly, the amount of \$30,000, borrowed of the Bank of Louisville, has been paid, so that the whole debt of the State, as it at present exists, upon which interest is payable, amounts to the sum of \$4,629,456. The annual interest on that sum, and which is a charge upon the Sinking Fund, amounts to \$269,117 36; the estimated receipts into the Sinking Fund from all sources, for the year 1846, amount to \$321,265 74; exhibiting the gratifying fact, that the Sinking Fund is more than sufficient to meet the annual accruing interest on the public debt, by a surplus of \$52,148 38; but from this surplus is to be deducted the amount paid the Bank of Louisville in January, \$30,000; leaving a surplus only of \$22,148 38.

The operations of the Sinking Fund during the past year, resulted for the first time since its creation, in the payment of the entire accruing interest for that year from its own legitimate resources. It did more; it paid to the Board of Internal Improvement, a debt of \$3,837 82, and had at the commencement of the present year a balance on hand of \$21,534 74. This year it will have paid the interest on the public debt, as shown above, besides \$30,000 to the Bank of Louisville, and close the year with a surplus of \$22,148 38. There may be some contingent expenses, to reduce this surplus to about \$20,000.

As the sources whence the Sinking Fund derives its support, are not, as your committee believe, generally understood by the country, they deem it advisable briefly to recapitulate them—they are as follows:

1. Taxes on the capital stock of the Bank of Kentucky, and dividends on 9,399 shares of stock in said Bank, held by the State and the Commissioners of the Sinking Fund.
2. Tax on the capital stock of the Northern Bank of Kentucky, and dividends on 2,900 shares of stock in said Bank, held by the State and the Commissioners of the Sinking Fund.
3. Tax on the capital stock of the Bank of Louisville, and dividends on 406 shares of stock in said Bank, held by the Commissioners of the Sinking Fund.
4. Profits of the Commonwealth's Bank.
5. Proceeds of State stock in the Old Bank of Kentucky.
6. Five cents tax on every \$100 worth of property liable to taxation.
7. One third of the taxes collected on non-residents' lands.
8. Excess over \$10,000 in the Treasury at the end of the current year, after deducting all demands.
9. Rent of the Lexington and Ohio Railroad.
10. Tolls from Slackwater Navigation on Kentucky, and Green and Barren rivers; and rent of water power.
11. Dividends on State stock in the various Turnpike Roads and Bridges in the State.
12. Two thirds of the profits of the Penitentiary.

13. Taxes on Brokers and Insurance Offices, &c.
14. Premiums on sale or exchange of State bonds.

Two of the above sources of income, the profits of the Commonwealth's Bank, and the proceeds of the State stock in the Old Bank of Kentucky, must in a very few years, entirely fail; and it is the part of wisdom to anticipate and supply that deficiency. Your committee believe that this can not only be accomplished, but that the income can be permanently enlarged, and made annually to exceed the estimate of the Commissioners for the present year, without a resort to taxation. The bill which has already passed the Senate, incorporating the Commissioners of the Sinking Fund, and enlarging their powers, especially with reference to dealing, to the extent of their means and necessities, in stocks of the Banks of Kentucky, bonds of the State, and bills of exchange, will in the opinion of the committee, exert a wholesome effect in facilitating the operations, and decreasing the expenses of the Sinking Fund.

Your committee believe that the Internal Improvements of the country in which the State owns an interest, and which, as shown above, are made by law tributary to the Sinking Fund, may, by judicious regulation, be made to yield a much larger revenue than at present, without interfering with their utility and the conveniences of transportation extended to the country. Such is understood to be the opinion of the Board of Internal Improvement; and from personal conference with the able and venerable President of that Board, your committee can state with confidence that such is his belief. The rates of tolls on the public improvements, especially on the rivers, may be raised so as to swell most materially the revenues flowing into the Sinking Fund. The rates of tolls on the Green and Barren rivers, as your committee are informed, are about one fourth of those on the Kentucky river, and the rates of tolls on the Kentucky river, are one third of those on the roads. Wagons are taxed three times as much as steamboats on the Kentucky river, and twelve times as much as those on the Green and Barren rivers. And yet water transportation has advantages over land transportation, especially of heavy articles, which would induce the belief that if any difference of tollage is allowed, it should rather be in favor of the roads. The river navigation has been advocated and defended as a source of growing revenue, which should be cherished by the State; and to accomplish the objects of its friends, the administration of that system of improvements should surely be such as to draw from it as much revenue as it is fairly capable of yielding, without diverting the trade fairly belonging to it, and which it was intended to accommodate. The improvement of the rivers was the work solely of the State; every section of the country contributed in proportion to its wealth; and justice requires that the sections benefitted should return in revenue to the State, at least a reasonable portion of the interest on the capital expended for their peculiar benefit. The President of the Board of Internal Improvement, is fully persuaded that the Kentucky River Navigation will bear at least an average increase of from 25 to 30 per cent. on the present charges, without injury to its trade, and that the other rivers will bear a much heavier increase. Fully convinced of the justice of this measure, and of its importance to the finances of the State, your committee have prepared a joint resolution which they herewith submit for the action of this House. If adopted, it is believed that it will add about \$10,000 yearly to the Sinking Fund.

The resolution instructing this committee to inquire into the expediency of reducing the compensation of Clerks, has had their attentive consideration, and they now report a bill for that purpose. There are a large number of Clerks to whom the contemplated changes will not apply; yet there are many others to whom they will. It is believed that a salary of \$1,200 is a fair compensation for the usual amount of business done in most of the Clerk's Offices; and the provisions of the bill are such, that as the business increases, the compensation will increase, as it is provided that 50 per cent. of all fees over that amount shall be reserved by the Clerks, the balance to be paid into the Sinking Fund. The bill also requires that the Clerks shall make out a semi-annual report of all charges made, and all fees paid in their respective offices, to be sworn to before the Circuit Judge, and certified by him; a copy to be transmitted to the Second Auditor, and a copy to be recorded in the books of the office. This will inform and satisfy the country upon a subject, concerning which there is much complaint, and may probably lead to further improvements in the system. It is believed that this single measure, if adopted, will add at least \$10,000 to the annual income of the Sinking Fund.

Your committee believe, that if the Legislature adopt the measures above indicated, it is a safe estimate, to state the annual surplus in the Sinking Fund, after paying the regularly accruing interest on the public debt, at \$60,000. If this sum be properly applied by profitable investment, the whole of the public debt can be paid off within less than thirty years, without a resort to taxation. This surplus, at 6 per cent., with interest upon interest, continually accumulating, would produce in thirty years, upwards of *five millions of dollars*; and the public debt amounts only to \$4,629,456.

The Sinking Fund was originally established to provide for the payment, first, of the annual interest on the public debt incurred for Internal Improvements; and second, for the ultimate redemption of that debt. It was a wise provision to sustain the policy of Internal Improvement, and to protect the honor and credit of the State. From very limited resources originally granted it, its means of accomplishing the objects of its creation have increased from time to time, under the fostering care of the Legislature, until it is now able to meet, with certainty and punctuality, the annual interest on the public debt, and has lifted up the credit of the State to a high and proud place in all the markets of the world.

But another great object remains yet to be achieved; the ultimate payment of the public debt must be provided for. It is an object of paramount importance, and will very soon address the Legislature in imperative tones. Your committee are of opinion, that the true policy of the State requires, before resorting to taxation, that all useless expenses should be curtailed, and all its resources rendered as productive as possible; and this is the course indicated by the measures proposed by the committee. The sooner such measures are adopted, the better. A public debt is a public curse. It threatens, if it does not entail, taxation; and thus tends to engender distrust and dissatisfaction amongst the people, with the government under which they live. This should not be; but all proper means should be constantly used to cherish their attachments to the political institutions of the State. To provide, then, for the ultimate payment of the public debt, by placing the Sinking Fund as soon as practicable upon a basis, such that its regular and self-sustaining action may gradually, but certainly discharge that debt, should be one of the very first objects, as it surely is, one of the first duties of the Legislature.

H. WALLER, *Ch'm.*

A message was received from the Senate, announcing that they insist on their amendment to a bill from this House, entitled, an act for the appropriation of money, and had appointed a committee of conference on their part, to act in conjunction with a committee on the part of this House, in relation to the disagreement between the Houses on said bill.

Whereupon Messrs. Hardy, J. Speed Smith, Stevenson, Waller and Glenn were appointed the committee on the part of this House.

A message was received from the Senate announcing their concurrence in the amendments proposed by this House, to a bill from the Senate, entitled, an act to revive and amend an act, entitled, an act to incorporate the Louisville, Nashville. and Knoxville Railroad Company.

And had passed a bill from this House, entitled, an act for the benefit of Richard A. Price, Collector of the 25th Regiment, and for other purposes.

Mr. B. Stone, from the committee on Privileges and Elections, made the following report, viz:

The committee on Privileges and Elections have had under consideration, the returns from the several counties, and beg leave to report: That the following named gentlemen have been duly elected Representatives from the counties annexed to their respective names, that is to say:

From the county of *Adair*—James O. Wheat.

From the county of *Allen*—Joseph G. Anthony.

From the county of *Anderson*—Randall Walker.

From the county of *Boyle*—John Barkley.

From the county of *Bracken*—David Brooks.

From the county of *Bullitt*—James Combs.

From the county of *Bourbon*—Ezekiel Thurston and Jeremiah Duncan.

From the county of *Barren*—James G. Hardy and William C. Whitsett.

From the county of *Breckinridge*—Joseph Smith.

From the county of *Boone*—George W. Brasher was returned, but his seat being contested by James N. Stephens, he was declared entitled thereto, and having taken his seat in place of said Brasher, the said Stephens resigned his seat; and a writ of election having issued to fill the vacancy, the said Stephens was returned duly elected.

From the counties of *Breathitt* and *Morgan*—George Bowling.

From the county of *Bath*—Harrison Conner.

From the counties of *Ballard* and *McCracken*—William Thomas.

From the counties of *Butler* and *Edmonson*—Asa B. Gardner.

From the county of *Campbell*—Ira Root.

From the county of *Caldwell*—James Clark.

From the county of *Christian*—Roger F. Kelly and Isaac H. Evans.

From the county of *Clarke*—John C. Hunton.

From the counties of *Carroll* and *Gallatin*—Henry J. Abbett.

From the county of *Casey*—Thomas S. Speed.

From the counties of *Cumberland* and *Clinton*—David R. Haggard.

From the counties of *Carter* and *Lawrence*—Samuel Short,

From the county of *Crittenden*—John W. Headley.

From the counties of *Calloway* and *Marshall*—Alfred Johnston.

From the counties of *Clay*, *Letcher*, and *Perry*—Hiram Begley.

From the county of *Daviess*—Camden Riley.
From the counties of *Estill* and *Owsley*—Berry Stone.
From the county of *Franklin*—James Harlan.
From the county of *Fayette*—Leslie Combs and George W. Darnaby.
From the counties of *Floyd*, *Pike*, and *Johnson*—James H. Layne.
From the county of *Fleming*—Leander M. Cox and Dixon Clack.
From the county of *Graves*—Richard L. Mays.
From the county of *Greenup*—Samuel Seaton.
From the county of *Grant*—Lewis Myers.
From the county of *Garrard*—William B. Mason.
From the county of *Green*—Felix T. Murray and William Barnett.
From the county of *Grayson*—Charles Wortham.
From the county of *Hopkins*—Daniel Head.
From the counties of *Hickman* and *Fulton*—Benjamin G. Dudley.
From the county of *Henderson*—John H. Priest.
From the county of *Hardin*—Thomas D. Brown and Claiborne Howell.
From the county of *Hancock*—William D. Mayhall.
From the county of *Henry*—George R. Fallis.
From the counties of *Knox* and *Harlan*—James Sparks.
From the county of *Hart*—David W. Maxey.
From the county of *Harrison*—Lucius Desha and Joseph Shawhan.
From the county of *Jefferson*—Isaac P. Miller and Daniel E. Jones.
From the county of *Jessamine*—James H. McCampbell.
From the county of *Kenton*—John W. Stevenson.
From the city of *Louisville*—Hamilton Pope and William E. Glover.
From the county of *Larue*—William Cessna.
From the counties of *Laurel* and *Rockcastle*—Elisha Smith.
From the county of *Lincoln*—Benjamin F. Purdom.
From the county of *Lewis*—Uriah R. McKellup.
From the county of *Logan*—Robert C. Bowling and Eli Orndorff.
From the county of *Livingston*—Francis H. Dallam.
From the county of *Muhlenburg*—Wiley S. Hay.
From the county of *Madison*—John Speed Smith and Salem Wallace.
From the county of *Montgomery*—Belvard J. Peters.
From the county of *Mercer*—John P. Lapsley.
From the county of *Marion*—Cornelius Railey.
From the county of *Meade*—William Alexander.
From the county of *Monroe*—John S. Barlow.
From the county of *Mason*—Henry Waller and John M. Breeden.
From the county of *Nelson*—Henry Gore and Albert G. Botts.
From the county of *Nicholas*—John W. Finnell.
From the county of *Owen*—James P. Orr.
From the county of *Oldham*—Thomas A. Rodman.
From the county of *Ohio*—Elisha M. Ford.
From the county of *Pulaski*—Milford Elliott.
From the county of *Pendleton*—Henry W. Cleaveland.
From the county of *Russell*—Shelby Stone.
From the county of *Simpson*—Samuel Hatfield.
From the county of *Shelby*—Shannon Reid and James G. Balee.
From the county of *Scott*—William Gano.
From the county of *Spencer*—Alexander W. Thomas.

From the county of *Trimble*--Daniel B. Johnson.
From the county of *Todd*--Robert E. Glenn.
From the county of *Trigg*--John C. Whitlock.
From the county of *Union*--Willis G. Hughes.
From the county of *Woodford*--Richard G. Jackson.
From the county of *Washington*--Jesse Moore.
From the county of *Wayne*--Milton Mills.
From the county of *Warren*--Joseph R. Underwood.
From the county of *Whitley*--Jeptha W. Brawner.
All which is respectfully submitted.

BERRY STONE, *Chairman*
Committee of Privileges and Elections.

Mr. Stevenson, from the committee of conference on the bill from the Senate, entitled, an act regulating the terms of the Circuit Courts in the first and fourth Judicial Districts, and for other purposes, made a report, which was concurred in.

A message was received from the Senate announcing their concurrence in said report.

Mr. Miller asked leave to withdraw the remonstrance of sundry citizens against the formation of a new county out of parts of Jefferson, Bullitt, Hardin, and Meade; which was granted, and it was withdrawn.

A message was received from the Senate, by Mr. Todd, announcing their concurrence in the report of the committee of conference on the bill from this House, entitled, an act for the appropriation of money.

Mr. J. Speed Smith, from the committee on the part of this House, on said bill, made a report.

And the question being taken on concurring in said report, it was decided in the negative.

Mr. Dallam, from the committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act for the benefit of Rockcastle, Harlan, and Owsley counties.

An act to amend the election laws.

An act for the benefit of Robert B. Hall.

An act to amend the law in relation to the Wilderness Turnpike Road.

An act to provide for the taking of depositions of Attorneys at Law, and for other purposes.

An act to amend the jury law.

An act to incorporate the Frankfort Manufacturing Company.

An act requiring County Courts to be held in Green county in the months of May and November, and for other purposes.

An act for the benefit of Edmund Robertson.

An act for the benefit of Missouri and Mary Jane Arnold.

And bills which originated in this House of the following titles, viz:

An act for the benefit of the mechanics of the town of Danville, and for other purposes.

An act vesting the Gallatin and Carroll County Courts with power to change a State road, and for other purposes.

An act for the benefit of Jacob Cardwell's heirs.

An act divorcing Lindsey Lister from his wife, Margaret Lister.

An act for the benefit of the devisees of Wm. Logan, deceased.

An act providing for a change of venue in the prosecution against Joseph H. Coleman.

An act for the relief of emigrants to this State.

An act to allow the voters in an election precinct in Warren county to determine on the place of voting in said precinct.

An act authorizing a settlement with the Board of Internal Improvement. Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Dallam inform the Senate thereof.

A message was received from the Senate, by Mr. Harris, announcing that they had appointed a committee of conference on their part to act in conjunction with a similar committee on the part of this House, in relation to the disagreement between the two Houses on the report of a committee of conference on a bill from this House, entitled, an act for the appropriation of money.

Whereupon, Messrs. Glenn, Kelly, Gore, Abbett and Mason, were appointed a committee on the part of this House.

On motion of Mr. Harlan,

Resolved, That when this House adjourns to-day, it will adjourn to meet to-morrow at half past 7 o'clock, A. M.

Mr. Riley, from the committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act to amend an act, entitled, an act for the benefit of the owners of mills and other property injured by slackwater, approved February 10, 1845.

An act prescribing the mode for a change of venue in criminal cases.

An act concerning the Methodist Episcopal Church of Madison county.

An act prescribing further duties of the Board of Internal Improvement.

An act to revive and amend an act to incorporate the Louisville, Nashville and Knoxville Railroad Company.

Whereupon the Speaker affixed his signature thereto.

Ordered, That Mr. Riley inform the Senate thereof.

Mr. Glenn, from the committee of conference on the disagreement between the two Houses, on the bill for the appropriation of money, made a report, which was concurred in.

A message was received from the Senate, by Mr. Harris, announcing that they also had concurred in said report.

A message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that he had on this day approved and signed enrolled bills which originated in this House, of the following titles, viz:

An act divorcing Catharine Smith and changing her name.

An act for the benefit of the several County Courts.

An act to limit the elections in Calloway and Marshall counties to one day.

An act to amend an act, entitled, an act for the benefit of Eliza A. Roman, approved February 13, 1844.

An act for the benefit of Alexander M. Rigg.

An act to amend in part, and repeal in part, an act, entitled, an act to amend the laws incorporating the town of Hickman, in Fulton county.

An act divorcing Susan Garnett from her husband, James H. Garnett, and changing her name.

An act to allow an additional week to the Ballard Circuit Court.

An act to incorporate the Licking River Navigation Company.

An act to regulate the time of holding the County Courts of Larue.

An act requiring Clerks of County Courts to perform certain services.

An act to amend an act, entitled, an act to establish a Seminary of Learning in Morgantown, and for other purposes.

An act to reduce the price of vacant and unappropriated lands in Grayson county.

An act to authorize the County Court of Union to sell a part of the public square in Morganfield.

An act to establish a chancery term of the Union Circuit Court, and to change the terms of the Boyle Circuit Court.

An act authorizing the Secretary of State to furnish Justices of the Peace with Morehead and Brown's Digest.

An act for the benefit of Common Schools in the city of Maysville and Carroll county, and for other purposes.

An act for the benefit of William F. B. Garrett and Rebecca Garrett.

An act to establish a Mechanics' Institute in the town of Paducah.

An act for the benefit of the heirs of Nicholas Smith, deceased.

An act authorizing the County Court of Marshall county to appoint a Treasurer.

An act for the benefit of John Stumps' children.

An act for the benefit of Winston Roberts.

An act for the benefit of the County Courts of Cumberland and Boyle.

An act for the benefit of the widow and heirs of George M. Bedinger, deceased.

An act to change the place of voting in the Donaldson precinct in Caldwell county.

An act to change the place of voting at the Lewisport precinct in Hancock county.

An act regulating elections in Hardin, Laurel and Rockcastle counties.

An act to establish an election precinct in Owsley county.

An act to change the place of voting in the county of Harlan, from the house of John Creech to the house of John Lewis, of said county.

An act to change the place of voting in the Liberty precinct in Jessamine county, and for other purposes.

An act authorizing the Trustees of the town of Jackson to change an alley in said town.

An act to enlarge the boundaries of the town of Owensboro', in Daviess county.

An act to regulate the spring term of the Trimble Circuit Court.

An act for the benefit of the Methodist Episcopal Church in the town of Carlisle.

An act for the benefit of Samuel F. Taylor, and others.

An act to incorporate the Dialectic Society of Shelby College.

An act to incorporate the Augusta Presbyterian Church in Bracken county, and for other purposes.

An act to change the August term of the Hickman County Court, and the time of holding the County Court of Breathitt.

An act to establish an election precinct in Warren county, and to extend the bounds of a precinct in Fayette county.

An act to allow an additional Justice of the Peace to Pulaski county, and for other purposes.

An act to change the place of voting in an election precinct in Allen county, and for other purposes.

An act divorcing Pleasant Meadows from his wife, Sally Meado vs.

An act for the benefit of Samuel F. Singleton.

An act divorcing Joseph W. and Mary C. Tate, and Paul R. Baker.

An act to enlarge the powers and jurisdiction of the Police Judge of the town of Morganfield, and for other purposes.

An act to amend the laws of civil and chancery proceedings.

Approved February 23, 1846.

An act for the benefit of Harriet Stroude and the heirs of Edward Stroude.

An act for the benefit of Mary Flint, of Oldham county.

An act to incorporate the Blue Lick Hotel and Water Company.

An act to incorporate the South Frankfort Bridge Company.

An act to incorporate the town of Burksville, and for other purposes.

An act to revive and amend an act, entitled, an act to incorporate a Turnpike Road from Lancaster to Crab Orchard.

An act to authorize the Trustees of the town of Port Royal to change an alley.

An act to incorporate the Lexington and Kentucky River Railroad Company.

An act further to protect the rights of married women.

An act to amend the charter of the Danville and Hustonville Turnpike Road Company.

An act providing for a State road from Adairsville, in Logan county, to Bowlinggreen, in Warren county.

An act for the benefit of S. J. Poston, late Sheriff of Hardin county.

An act for the benefit of Benjamin Haydon and John Fleming.

An act to incorporate the 4th Baptist Church of Louisville.

An act to amend an act, entitled, an act to establish a State road through Grayson county, to Bowlinggreen.

An act to extend the limits of the town of Stanford.

An act for the benefit of Lois Smallwood.

An act for the benefit of the Sheriff of Montgomery county.

An act to change the place of voting in a precinct in Bath county, and for other purposes.

An act divorcing Rhoda Ames from her husband, David S. Ames, and Mary Moore from her husband, William C. Moore.

An act for the benefit of William T. Dudley, Clerk of the Fleming County Court.

An act for the benefit of the widow and heirs of G. C. Bohannon, deceased.

An act to amend and revive an act, entitled, an act to incorporate the Bath Seminary, and for other purposes.

An act divorcing Rachel Hoskins from her husband, Davis Hoskins.

An act for the benefit of Sally Gustin.

An act to appropriate money to purchase books for the Penitentiary.

An act authorizing a settlement with the Board of Internal Improvement.

An act to allow the voters in an election precinct in Warren county, to determine on the removal of the place of voting in said precinct.

An act for the relief of Emigrants to this State.

An act for the benefit of the devisees of William Logan, deceased.

An act for the benefit of Jacob Cardwell's heirs.

An act divorcing Lindsey Lister from his wife, Margaret Lister.

An act vesting the Gallatin and Carroll County Courts with power to change a State road, and for other purposes.

An act for the benefit of the mechanics of the town of Danville, and for other purposes.

An act providing for a change of venue in the prosecution against Joseph H. Coleman.

Approved February 23, 1846.

A message was received from the Senate, announcing that they had received official information from the Governor, that he had approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act for the benefit of Robert B. Hall.

An act to amend the election laws.

An act to amend the jury laws.

An act to provide for the taking of depositions of Attorneys at Law, and for other purposes.

An act to incorporate the Frankfort Manufacturing Company.

An act requiring County Courts to be held in Green county, in the months of May and November, and for other purposes.

An act for the benefit of Edmund Robertson.

An act for the benefit of Missouri and Mary Jane Arnold.

An act to revive and amend an act to incorporate the Louisville, Nashville, and Knoxville Railroad Company.

An act to amend an act, entitled, an act for the benefit of the owners of mills and other property injured by slackwater, approved 10th Feb. 1845.

An act prescribing further duties of the Board of Internal Improvement.

An act to amend the law in relation to the Wilderness Turnpike Road.

An act for the benefit of Rockcastle, Harlan and Owsley counties.

An act prescribing the mode for a change of venue in criminal cases.

An act concerning the Methodist Episcopal Church of Madison county.

Approved February 23, 1846.

An act to amend the charter of the Louisville and Elizabethtown Turnpike Road Company, and provide for the erection of a bridge across Salt river, at the mouth.

An act in relation to the Penitentiary.

An act to extend the time for registering headright certificates, and for other purposes.

An act for the benefit of the Lunatic Asylum.

An act to incorporate the Floyd's Fork Turnpike Company.

An act for the benefit of Elizabeth Thompson and her infant children.

An act for the benefit of the Kentucky Institution for the Education of the Blind.

An act concerning the Public Printing.

An act to amend the charter of the Glasgow and Scottsville Turnpike Road Company.

An act to incorporate the Commissioners of the Sinking Fund of Kentucky.

An act for the benefit of James W. Prater and Erastus Evans.

An act providing for the running and marking the line between Boone and Kenton counties.

Approved February 23, 1846.

And then the House adjourned.

TUESDAY, FEBRUARY 24, 1846.

A bill from the Senate, entitled, an act for the benefit of John A. Hunt, of Whitley county, was read the third time.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

A message was received from the Senate announcing that they had passed a bill from this House, entitled, an act to amend the penal laws.

Mr. Dallam, from the committee on Enrollments, reported that the committee had examined enrolled bills which originated in the Senate, of the following titles, and had found the same truly enrolled, viz:

An act regulating the terms of the Circuit Courts in the first and fourth Judicial Districts, and for other purposes.

An act for the benefit of John A. Hunt, of Whitley county.

And bills and a resolution which originated in this House of the following titles, viz:

An act to incorporate the Danville and Perryville Turnpike Road Company.

An act for the benefit of Richard A. Price, Collector of the 25th Regiment, and for other purposes.

An act for the appropriation of money.

An act to amend the penal laws.

A resolution for appointing a committee to ask leave to withdraw from the Governor an enrolled bill granting a change of venue to Joseph H. Coleman.

A message was received from the Governor, by Mr. Hardin, Secretary of State, announcing that he had approved and signed, on this day, enrolled bills and a resolution from this House, of the following titles, viz:

An act for the benefit of Richard A. Price, Collector of the 25th Regiment, and for other purposes.

An act to incorporate the Danville and Perryville Turnpike Road Company.

An act for the appropriation of money.

An act to amend the penal laws.

Also, a joint resolution, entitled, a resolution for appointing a committee to ask leave to withdraw from the Governor an enrolled bill granting a change of venue to Joseph H. Coleman.

A message was received from the Senate announcing that they had received official information from the Governor, that he had, on this day, approved and signed enrolled bills which originated in the Senate, of the following titles, viz:

An act for the benefit of John A. Hunt, of Whitley county.

An act regulating the terms of the Circuit Courts in the first and fourth Judicial Districts, and for other purposes.

The Speaker having retired from the Chair,

Mr. Hardy moved the following resolution, viz:

Resolved, That the thanks of this House be tendered to the Hon. Joseph R. Underwood, for the able, dignified, and impartial manner with which he has discharged the duties of Speaker during the present session.

Which was unanimously adopted.

The Clerk having retired from the table,

Mr. Brown moved the following resolution, viz:

Resolved, That the thanks of the members of this House are respectfully tendered to Thomas J. Helm, for the very faithful and efficient manner in which he has discharged the duties of Clerk of this House.

Which was unanimously adopted.

Mr. Brown moved the following resolution, viz:

Resolved, That our thanks be affectionately tendered to the Ministers of the Gospel who have attended with us on each morning, at the opening of the House, and invoked the favor and superintendence of the Supreme Ruler of the universe on our deliberations.

Which was unanimously adopted.

Mr. Kelly moved the following resolution, viz:

Resolved, That the thanks of this House are respectfully tendered to the Assistant Clerk, Sargeant-at-arms, and Doorkeeper, for the prompt discharge of their respective duties.

Which was unanimously adopted.

A message was received from the Senate, by Mr. Peyton, announcing that they had closed their Legislative business, and were now ready to close the present session of the General Assembly, by an adjournment on their part, without day; and had appointed a committee to act in conjunction with a committee on the part of this House, to wait on the Governor and inform him of the proposed adjournment of the General Assembly, and to know if he had any other communication to make.

Whereupon, Messrs. L. Combs, Harlan, and Barlow, were appointed a committee on the part of this House.

Ordered, That Mr. L. Combs inform the Senate thereof.

The committee then retired, and after a short time returned, when Mr. L. Combs, from the committee, reported that the joint committee had performed the duty assigned them, and were informed by the Governor that having, from time to time, during the present session, communicated his views to the General Assembly, he had now no further communication to make.

Whereupon, the Speaker having delivered a valedictory address, adjourned the House, *sine die*.

INDEX

TO THE

HOUSE OF REPRESENTATIVES' JOURNAL.

THE FIGURES REFER TO THE PAGES.

- Academy, Bardstown Female, an act to amend the charter of the, 357, 394,
410, 426
Somerset, an act to authorize the Trustees of, to sell and
convey lot of ground 221, 316, 330, 358
Adair county, petition of citizens of 88, 217
Adairsville to Bowlinggreen—see roads, State
Adair, William, petition of 226
Adams, Geo. B., petition of 167
Adcock, William, an act for the benefit of, and others 66, 134, 142, 157
Addison (a slave,) an act granting a change of venue to 308, 335, 353, 378
Adkins, Frederick, an act for the benefit of the widow and heirs of 107, 178,
339, 384, 396
Administration and settlement of estates—see Estates.
Agricultural Society of Bourbon county, a bill to amend the charter
of the 67, 127, 176, 189, 198
Agriculture and Manufactures, committee on, appointed 38
Albany, a bill for the benefit of the town of 30, 43, 60, 62, 109, 117, 316,
330, 358
Albany. an act concerning the town of 188, 316, 330, 358
Alexandria and Newport Turnpike Road Company, a bill to incorpo-
rate the 171
Alfred, G. C., petition of 274
Allen, Albert and Ann E., an act for the benefit of 66, 134, 250, 268, 277,
309
Allen county, remonstrance of citizens of 140
Allen county, petition of citizens of 47, 56, 81, 216
—see Election precincts.
Allen, Joseph N., petition of 66
a bill allowing a change of venue to 96, 125, 142, 150
Allen, William, petition of 238
a bill divorcing 391
Allison, Samuel, a bill to change the name of to S. A. Jones, 27, 49, 66,
109, 117

- Ames, Rhoda, petition of 222
 a bill divorcing 390, 433, 443, 455
- Anderson and Franklin county lines, an act to change the 107, 178, 254,
 330, 358
- Angell, William, petition of 148, 223
- Appeals, Court of, a bill to amend the act establishing the 78, 127, 287,
 312
- Appeals from Justices' judgments—see Justices.
- Appropriation of money, act for the 434, 435, 436, 439, 442, 443, 449,
 451, 452, 452, 457
- Arcada, a bill to change the name of, to that of Rogersville, 128, 157, 168
- Ardent spirits, a bill to prohibit the manufacture and sale of, by free
 negroes 67
- Arnold, Missouri and Mary Jane, an act for the benefit of 396, 442, 451,
 456
- Ashley, Hezekiah, a bill to change the name of to H. Carns, 68, 106, 125,
 142, 149
- Assembly, General, an act to change the time of the meeting of the 73, 135
 Resolution to fix a day for the final adjournment
 of the 70, 101, 158, 182, 186, 262, 263, 264, 274,
 317
 Resolution rescinding resolution fixing a day for the
 adjournment of the 426, 440, 441
 adjournment of the *sine die* 458
- Assistant Clerk, resolution to elect 10
 election of 11
- Asylum, Deaf and Dumb, an act providing for the support of an addi-
 tional number of pupils in the 273, 335, 353, 378
- Deaf and Dumb, resolution to appoint committee to examine 51,
 56, 60, 63, 72, 83, 107, 143
 committee to examine appointed 89
 report of committee on 289
 petition of the Trustees of the 208
 report of Trustees of the 82—see Legislative Documents.
- Asylum, Lunatic, an act for the benefit of the 392, 395, 417, 431, 438,
 456
- Asylum, Lunatic, and Transylvania University, resolution to appoint
 committee to examine 51, 56, 60, 63, 72, 83, 107, 143,
 157, 168
 committee to examine appointed 89
 report of committee on 289
 report of Trustees of the 217—see Legislative Documents.
- Athens, petition of citizens of town of 195
 an act to appoint a Police Judge in 318, 335, 354, 379
- Attorney General, communication of the 112
- Attorneys at Law, an act to provide for the taking of the depositions of 425,
 442, 451, 456
- Attorneys for the Commonwealth, an act continuing in force the act pro-
 viding for the appointment of 42, 55, 82, 107

- Auditor, First, annual report of the, 26—for report, see Legislative Documents.
 resolution asking information from 45
 report of 53—see Legislative Documents.
 response of to resolutions 195, 196
 an act to transfer the duties of the President of the Bank of the Commonwealth, and the agent of the Old Bank of Kentucky to 360, 393, 416, 426
- Auditor, Second, annual report of the 26—for report, see Legislative Documents.
 responses of to resolutions 52
- Auditor's Office, First, a bill to repeal the law establishing the 28, 50, 62
- Augusta Presbyterian Church—see Church.
- Baker, Paul R., an act to divorce 425, 430, 439, 454
- Baker, Susan, an act to change the name of 221, 334, 353, 378
- Baker, Wilson, an act for the benefit of 188, 315
- Ballard Circuit Court—see Courts, Circuit.
- Ballingal, N., petition of 215
- Bank, Farmer's, of Somerset, an act to appoint Commissioners to collect the dues of the, and pay to the creditors 126, 178, 190, 215
 of Kentucky, Commonwealth's Bank, and Board of Internal Improvement, a bill concerning the 62
 of the Commonwealth, a bill to amend the charter of the 175, 188, 217
 report of the President of the 181
 of Louisville, a bill to amend the charter of the 121, 230, 308, 319
 State, a bill to establish for purposes of revenue 84
- Banks, committee on appointed 38
 report of committee on 331—see Legislative Documents.
 of Kentucky, a bill concerning the 52, 70, 86, 117, 125, 135, 142, 150
- Bardstown Female Academy, an act to amend the charter of the 357, 394, 410, 426
- Bardstown Old Seminary, a bill to authorize the sale of the 321, 424
- Bardstown, petition of citizens of 248
- Barnes, Thomas C., petition of 195
- Barren Circuit Court—see Courts, Circuit.
- Barren County Court—see Courts, County.
- Barren county, petition of citizens of 47, 59, 88, 187, 216, 217, 274
- Barren county, petition of citizens of 157, 158, 195
- Barren river, a bill to improve the navigation of 144
 an act providing for payment of repairs on Lock and Dam No. 1, on 445
- Barren River Navigation and Manufacturing Company, a bill to incorporate the 85, 185, 226, 249, 261
- Barrett, Lewis, an act for the benefit of, and J. Wyatt 136, 179, 250, 268, 278, 309
- Bath county, petition of citizens of 141, 217, 268, 318, 432
- Bath county—see Election Precincts.
- Bath Seminary—see Seminary.
- Beazeley, F. O., a bill for the benefit of 31, 43, 60

- Bedinger, Ben. F., petition of 226
 Bedinger, Daniel P., petition of 252
 Bedinger, George M., a bill for the benefit of the widow and heirs 321, 425, 437, 453
 Beech and Rolling Fork, a bill to improve the navigation of, and Salt river 233
 Begley, Hiram, a bill for the benefit of 128, 157, 168
 Benevolent Institution, Cook, an act to incorporate the 308, 335, 353, 377
 Bennett, Nelson, petition of 42
 a bill divorcing and Mary Bennett 61
 Berkhead, Jesse, petition of 108, 144
 Big Sandy and Owingsville Turnpike, an act for the benefit of the citizens living on the 251, 335
 Bishop, Josiah, petition of 226
 Blackford, John D., petition of 131
 Black, John, petition of 108
 Blackstone, William P., petition of 167
 a bill for the benefit of 230, 357, 359, 376
 Blanton, Henry, petition of 40
 a bill for the benefit of, and R. Snell 186, 189, 243, 388, 391, 403
 Blind, Kentucky Institution for the Education of the, annual report of the Board of Visitors of the 133—see Legislative Documents.
 an act for the benefit of the 194, 316, 411, 438, 456
 Blue Lick Hotel and Water Company, a bill to incorporate the 32, 128, 255, 425, 440, 454
 Board, Nathan, an act for the benefit of, and others 66, 134, 223, 226
 Board of Commissioners of the Sinking Fund, annual report of the 33
 —see Legislative Documents.
 Board of Commissioners of the Sinking Fund, an act to incorporate the 337, 393, 404, 424, 438, 456
 Board of Internal Improvement, annual report of the 86
 —see Legislative Documents.
 Board of Internal Improvement, response of President of, to resolutions 33, 110, 122, 137
 Board of Internal Improvement, a bill concerning the, and the Commonwealth's Bank and Bank of Kentucky 62
 Board of Internal Improvement, reports of the, in relation to claims 103, 201
 Board of Internal Improvement, communication of President of the 118, 119, 144, 145, 240, 344, 361
 —see Legislative Documents.
 Board of Internal Improvement, an act prescribing further duties of the 357, 393, 404, 422, 441, 452, 456
 Board of Internal Improvement, a bill authorizing a settlement with 389, 433
 Board of Trade, of Wheeling, memorial of 252
 Board of Visitors of the Kentucky Institution for the Education of the Blind, annual report of the, 133
 —see Legislative Documents.
 Bohannon, G. C., a bill for the benefit of the widow and heirs of 389, 433, 443, 455
 Bohannon, John S., petition of 176

INDEX.

463

- Bohannon, Joseph M., petition of 41
- Bondurant, J. W., petition of, and others 82
- Bonharbour and Louisville Coal Company, a bill to incorporate the 156,
175, 178, 191, 215
- Books, an act to appropriate money to purchase for the Penitentiary 433,
439, 440, 441, 452, 457
- Boone and Kenton counties, a bill to run and mark the line between 396,
429, 438, 456
- Boone Circuit Court—see Courts, Circuit.
- Boone county, contested election case from 12, 13, 106, 119, 125
 - report of the committee on the 74
 - report of minority of committee on 92
 - a bill to amend the road law in 269
 - petition of citizens of 251, 251
 - see Constables.
- Boswell, Charles S., petition of 136
 - a bill for the benefit of 321, 329, 331, 338
- Botts, A. G., leave of absence granted 415
- Botts, Joseph, petition of 30
 - a bill for the benefit of 80, 156, 168
- Bounty on Silk Cocoons, a bill to repeal all laws allowing a 61
- Bourbon Agricultural Society, a bill to amend the charter of the 67, 127,
176, 189, 198
- Bourn, B. F., petition of 318
- Bowie Knives, a bill to tax, &c. 96, 118,
167
- Bowen, Wm. W., petition of 262, 318, 319
 - a bill for the benefit of, and R. Nesbet
- Bowlinggreen, a bill to authorize the improvement of the streets and
alleys in 85, 218, 238, 254, 261
 - an act to allow the Marshal of to act as Constable 208, 330
 - petition of citizens of 209
- Bowlinggreen to Adairsville—see Roads, State.
- Bowling, R. C., added to committee on Banks 142
- Boyle Circuit Court—see Courts, Circuit.
- Boyle County Court—see Courts, County.
- Boyle county, petition of citizens of 208, 221
- Brasher, Geo. W., leave of absence granted to 11
 - petition of J. N. Stephens contesting the seat of 12
 - report of committee 74
 - resolutions declaring him not entitled to his seat 77
- Brawner, Basil, petition of 248
- Breathitt and Perry counties, a bill to define the line between 174, 331, 396,
415, 429
- Breathitt county—see Election Precincts.
- Breckinridge County Court—see Courts, County.
- Breckinridge county—see Sheriffs.
- Bridge across Eagle creek, a bill to build 173
- Bridge Company, Covington and Cincinnati, a bill to incorporate the 31, 96,
143, 265, 277, 283
- Bridge Company, South Frankfort, a bill to incorporate the 68, 96, 336,
431, 440, 454

- Brierly, Thomas, petition of 89
 a bill to divorce 144, 208, 218
 131
- Buck, Thomas M., petition of 131
- Bullitt and Jefferson counties, a bill to amend the act to run and re-mark
 the line between, &c. 30, 43, 65, 108, 117
- Bullitt County Court—see Courts, County.
- Bullitt county, petition of citizens of 39, 46, 140, 143, 149, 208, 248
 remonstrance of citizens of 101, 209
 41, 61
- Bunch, John C., petition of 56
- Burch, Mary L., petition of 161, 188, 217
 a bill for the benefit of 126, 178, 249
- Burks, Napoleon B., an act for the benefit of, and Eliza J. Burks 126, 178, 249
- Burksville, a bill to incorporate the town of 172, 332, 425, 440, 454
 petition of the members of the bar in 194
- Burning of woods in certain counties, an act to prevent the 121
- Busby, Milton, petition of 120, 236
 a bill for the benefit of 236, 339, 396, 415, 429
 137, 432
- Bussing, John, petition of
- Butler County Court—see Courts, County.
- Cadiz, an act to authorize the Trustees of to change a street 221, 334, 353, 378
 an act to change the time of election of the Trustees of 60, 62, 83,
 102, 334, 353, 378
- Caldwell Circuit Court—see Courts, Circuit.
- Caldwell county, petition of citizens of 39, 46, 107, 130
 —see Election Precincts.
 —see Sheriffs.
- Calliopean Society of Murray, an act to incorporate the 274, 334, 357,
 384, 397
- Calloway and Marshall counties, a bill to limit the elections in, to one
 day 68, 128
- Calloway county, petition of citizens of 216, 229, 337
- Campbell and Pendleton counties, an act to run and mark the line be-
 tween 208, 316, 330, 358
- Campbell Circuit Court—see Courts, Circuit.
- Campbell county, a bill to amend the road law in 85
- Campbell Turnpike Company, an act to incorporate the 251, 334, 352, 378
- Campbell, William R., nominated for Doorkeeper 6
 votes for 6, 7, 8, 9
 elected Doorkeeper 9
 thanks of House returned to 458
- Canal, a bill to cut a, at Lock No. 3, on Green river 173
- Canal Company, Louisville and Portland, annual report of the 90
- Capital, a bill to move the, of the State, to Louisville 67, 236
- Capital Guards, petition of the officers of the 232
- Capital punishment, a bill to amend the law in relation to 174
- Cardwell, Jacob, petition of 66
 a bill for the benefit of the heirs of 390, 439, 452, 455
 78
- Carlisle Common Schools, a bill for the benefit of the
 an act to provide for 357, 406

INDEX.

465

Carlisle, petition of the Trustees of the town of	115
a bill for the benefit of the Trustees of	230, 317, 330, 337
Carns, Hezekiah, a bill to change the name of H. Ashley to that of	68
Carpenter, Samuel E., act for the benefit of	60, 62, 83, 107, 124
Carroll County Court—see Courts, County.	
Carroll county, petition of School Commissioners of	149
petition of citizens of	283
Carter, B. N., petition of	274
Carter county, petition of citizens	47, 121
—see Justices of the Peace.	
Carter, John W., petition of	232
a bill for the benefit of	332, 396, 415, 429
Casey county—see Sheriffs.	
Cason, Lewis, a bill for the benefit of	150
Cassidy, Mary D., an act for the benefit of	68, 237, 318, 319
Chairmen of standing committees, a bill to authorize the, to administer	
oaths to witnesses	216, 217, 218
Chancery, a bill to amend the practice in suits in	68
Chancery and civil proceedings, an act to amend the laws of	425, 430, 439, 454
Chancery Court, Louisville, an act to regulate the terms of	309
Chancery Courts, a bill to extend the jurisdiction of	78
Chancery term; a bill to establish a special, in Montgomery county	78, 96
Change of venue in criminal cases, an act prescribing the mode of	422, 442, 451, 456
Chany, Belinda, petition of	216, 395
Children of color, poor free, a bill to amend the act providing for the	
binding out of	67
Christian Church—see Church.	
Christian County Court—see Courts, County.	
Church, Baptist, a bill to incorporate the fourth in Louisville	390, 438, 443, 455
Christian, at Winchester, an act for the benefit of the	231, 334, 353, 378
Methodist Episcopal in Carlisle, a bill for the benefit of the	404, 431, 436, 454
Methodist Episcopal in Hopkinsville, an act for the benefit of the	231, 334, 353, 378
Methodist Episcopal in Madison county, an act for the benefit	
of the	425, 442, 452, 456
Presbyterian in Augusta, a bill to incorporate the	390, 424, 436, 454
Presbyterian in Shelbyville, petition of the	141
Presbyterian in Shelbyville, a bill for the benefit of the	218, 248, 254, 261
Reformed Baptist of Slate Run in Bath county, an act for the	
benefit of the	329, 393, 409, 426
St. John's at Princeton, an act to incorporate the	208, 316, 330, 358
Cincinnati and Covington Bridge Company, a bill to incorporate the	31, 96, 143, 265, 277, 283

- Circuit Courts—see Courts, Circuit.
 Circuit Judges, a bill to reduce the salaries of the 50, 86, 148, 151, 162, 176, 177
 Civil and chancery proceedings, a bill to amend the laws of 286, 306, 425, 430, 439, 454
 Clack, Dixon, excused from serving on the Public Printing 183
 Claims, committee on, appointed 36
 of Contractors on Licking river, an act to provide for the payment of the 423
 Clarke Circuit Court—see Courts, Circuit.
 Clarke county—see roads, State.
 petition of citizens of 188, 195, 229
 Clarke, Wilford, petition of 42
 a bill divorcing 61
 Clay county—see Election Precincts.
 Clayton, J. W., petition of 80
 Clerk, assistant, resolution to elect 10
 assistant, election of 11
 election of 6
 of Clinton Circuit Court, a bill for the benefit of the 31, 43, 60, 62, 83, 107, 159
 of Cumberland Circuit Court, a bill for the benefit of the 67, 96, 183, 189, 109
 of Fleming County Court, a bill for the benefit of the 68, 411, 438
 of Floyd County Court, an act for the benefit of the 231, 243, 229, 353, 378
 of Johnson County Court, an act for the benefit of the 231, 243, 329, 353, 378
 of Pike County Court, an act for the benefit of the 231, 243, 329, 353, 378
 of Russell Circuit Court, a bill for the benefit of the 43, 60, 62, 83, 107, 159
 Clerks, a bill requiring the, of this Commonwealth to pay all fees over \$1,200 into the Treasury 430
 a bill to amend the law relative to the duties of 194, 287, 316, 352, 378
 a bill to reduce the fees of 174
 of Circuit and County Courts, a bill to authorize the, to issue writs of *subpœna duces tecum*, without special order of court 67
 of County Courts, an act to authorize the, to administer oaths to persons offering to prove the ages of persons applying for marriage license 208, 316, 330, 358
 of County Courts, an act requiring certain services from 287, 425, 437, 453
 Clements, Mary, petition of 209
 Clinton and Russell county line, an act to change the 73, 135, 183
 Clinton Circuit Court—see Courts, Circuit.
 Clinton County Court—see Courts, County.
 Clinton county—see Sheriffs.
 Coal, a bill to regulate the measurement of 68
 a bill to regulate the sale of 172

- Coal Company, Louisville and Bonharbour, a bill to incorporate the 175
 Coal Mining Company, Lawrence, a bill to incorporate the 210, 236, 384,
 392, 415, 429
 Cobb, John B., an act for the benefit of, and others 274, 334, 357, 384, 397
 Cockran, William and Walker, an act to change the names of William
 and Walker Reynolds to 60, 62, 83, 107
 Cocoons, Silk, a bill to repeal the laws allowing a bounty on 61
 Coghlan, C., nominated for Librarian 414
 votes for 414
 Cogle, Ben. F., petition of 216
 Coker, Marmaduke, an act to grant a change of venue to 360, 394, 416,
 426
 Cole, Allaniah, an act for the benefit of 194, 316
 Cole, John, petition of 115
 Coleman, James, a bill for the benefit of the children of 231, 317, 331, 337
 Coleman, James and James C., petition of, and others 82
 Coleman, Joseph H., petition of 176
 a bill granting a change of venue to 286, 396, 416,
 423, 429, 432, 438, 452, 457
 Coleman, Louisa Ann, an act for the benefit of, and others 66, 134, 150,
 155, 190, 215
 Collection of the revenue, a bill to amend the laws for the 69
 College, Maysville, a bill to incorporate the 78, 185, 273, 319
 Colleges and Schools, a bill to exempt the Presidents, Professors, Tach-
 ers and Scholars in, from militia duty and working on
 roads 28, 50
 Colston, W. F. and M. E., an act for the benefit of 238, 334, 353, 378
 Columbia, petition of citizens of 158
 a bill to repeal an act to amend an act incorporating town of 218,
 308, 380, 416, 428
 Commissioners appointed to settle with the President of the Common-
 wealth Bank 42—see Legislative Documents.
 Commissioners of the Sinking Fund, Board of, annual report of the 33
 —see Legislative Documents.
 a bill to incorporate the Board of the 78, 94, 337, 393,
 404, 424, 438, 456
 Commissioners of Tax, a bill to regulate the duties of 191, 245, 329, 365
 Commissioners on road from mouth of Salt river to Bowlinggreen, a bill
 ordering the payment of 32, 49, 160
 Commissioner to revise and digest the Statute Laws, a bil to appoint a 78
 Committees, standing, appointed—
 on Agriculture and Manufactures 38
 on Banks 38
 on Claims 36
 on Courts of Justice 36
 on Education 37
 on Enrollments 39
 on Expenditures of Board of Internal Improve-
 ment 38
 on Internal Improvements 37
 on Library 39

- Committees, standing, appointed—
- on Military Affairs 37
 - on the Penitentiary 38
 - on Privileges and Elections 36
 - on Propositions and Grievances 36
 - on Public Offices 39
 - on Public Printing 39, 59
 - on Religion 37
 - on Sinking Fund 38
 - on Ways and Means 37
- Common School District, No. 23, in Caldwell county, a bill for the benefit of 86, 117, 125, 142, 150
- Common School Laws, a bill to amend the 27
- Common Schools, a bill for the benefit of the, of Kentucky 127, 185, 250, 263, 272, 393
- in Carlisle, a bill for the benefit of the 78
 - in Graves county, a bill for the benefit of the 27, 50, 184, 273, 319
 - in Laurel, Livingston and Greenup counties 377, 394, 410, 426
 - in Maysville and Carroll county, a bill for the benefit of 331, 412, 412, 437, 453
- Commonwealth's Attorneys, an act continuing in force the law providing for the appointment of 42, 55, 82, 107
- Commonwealth's Bank, a bill to amend the charter of the 175, 188, 217
- report of the President of 181
- Commonwealth's Bank, Bank of Kentucky, and Board of Internal Improvement, a bill concerning the 62
- Compensation of persons who take up property floating on rivers, a bill to regulate 173
- Constables, a bill to allow to certain counties 118, 157, 218
- a bill to protect the citizens of Kentucky against the impositions of, and Justices of the Peace 52
 - in Boone county, a bill to allow 321
 - in Fulton, a bill to allow 31, 43, 60, 65, 74
 - in Green, a bill to legalize the appointment of 188, 316, 330, 357
 - in Greenup, a bill to allow 68
 - in Hancock, a bill for the benefit of 173, 236, 245
 - in Harrison, a bill for the benefit of 50, 66, 108, 117
 - in Marion, an act to allow 226, 333, 357, 384, 397
 - in Morgan, a bill to allow 171
 - in Nelson, a bill to allow 233
 - in Nicholas, a bill to allow 261, 318, 331, 338
 - in Wayne, a bill to allow 85, 133, 157, 168
 - district, a bill to extend the, around Mayfield, in Graves county, 27, 33, 48, 59, 61
- Contested Election case from Boone county, 12, 51, 74, 96, 106, 119
- report of committee on the 74
 - report of the minority committee on the 92, 96
- Contractors on Licking river, an act to provide for the payment of the claims of the 423

- Convention, a bill to take the sense of the people as to the expediency
of calling a 28, 44, 56, 72, 83, 87, 97, 121
- Licking river, memorial of the 119
- Cook Benevolent Institution, an act to incorporate the 308, 335, 353, 377
- Cook, James H., petition of 167
- Coomer, Clarissa, petition of 269, 395
- Corporations and partnerships, a bill to amend the law in relation to 173
- Corruptions in Judicial Department, resolution to appoint committee of
ten to investigate 50, 53, 54
committee of ten, appointed on 55
report of committee on 338
- Cotton, J. H., petition of 116
- Cotton, Jesse H., a bill for the benefit of 218, 238, 249, 261
- Court, General, an act to limit the jurisdiction of the 221, 316
- Court of Appeals, a bill to amend the act establishing the 78, 127, 287, 312
- Courts, Circuit, a bill to authorize the Clerks of, to issue writs of *subpœna*
duces tecum, without special order of court, 67
a bill to repeal the law establishing the, and to establish
District Courts, 27, 255
a bill to authorize the, to change the name of individuals 217
an act to regulate the, in the 1st and 4th districts, 412, 432,
433, 439, 443, 451, 457, 458
- Ballard, petition of the Officers and Bar of the 135
- Ballard, a bill to allow an additional week to the 286, 425,
437, 453
- Barren, an act concerning the 308, 335, 353, 378
- Boone, a bill to change the time of the 133
- Boyle, a bill to change the terms of the 425, 437, 453
- Caldwell, petition of the Bar and Officers of the 102
- Caldwell, a bill to change the time of the 133, 308, 310,
330, 358
- Campbell, a bill to change the time of the 133
- Clarke, an act establishing a chancery term of the 308, 335,
353, 378
- Clinton, a bill for the benefit of the Clerk of the 31, 43, 60,
62, 83, 107, 159
- Crittenden, a bill to change the time of the 133
- Cumberland, a bill for the benefit of the Clerk of the 67, 96,
183, 189, 199, 250
- Cumberland, a bill to extend the terms of the 287, 306
- Grant, a bill to change the time of the 133
- Harrison, a bill to change the time of the 133
- Hopkins, a bill to change the time of the 133
- Jefferson, a bill regulating the terms of the 209
- Kenton, a bill to change the time of the 133
- Larue, a bill to regulate the terms of the 57, 125, 142, 149
- Livingston, a bill to change the time of the 133
- Montgomery, a bill to establish a chancery term of the 125,
142, 149
- Pendleton, a bill to change the time of the 133

- Courts, Circuit, Russell, a bill for the benefit of the Clerk of the 31, 43, 83,
107, 159
- Trimble, a bill to change the time of the 174, 332, 425,
436, 453
- Union, a bill to establish a chancery term of the 332, 425
437 453
- Courts, County, a bill to authorize the Clerks of, to issue *subpœnas*
duces tecum without special order of court 67
- a bill to amend the system of 69
- a bill to compel the, to make annual statements of the
indebtedness of their counties, &c. 67
- a bill for the benefit of the several 332, 424, 437, 453
- a bill requiring certain duties of the Clerks of the 287, 425,
437, 453
- a bill to authorize the Clerks of, to administer oaths to
witnesses offering to prove the ages of persons ap-
plying for marriage license 208, 316, 330, 358
- Barren, a bill to authorize the to move Poor House 60, 62,
95, 109, 121
- Boyle, a bill to authorize the to have cross index made
to deeds, &c. 67, 122, 157, 168
- Boyle, a bill for the benefit of the 332, 431, 437, 453
- Breckinridge, an act to authorize the to change a road 48,
56, 82, 107
- Breathitt, an act to change the time of the 425, 431, 439,
454,
- Bullitt, a bill to legalize the proceedings of the 144, 230,
317, 319
- Butler, a bill to change the time of the 222, 275
- Carroll, a bill for the benefit of the 275
- Carroll, a bill to allow to change a State road 424, 439, 441,
452, 455
- Christian, a bill to regulate the terms of the 87, 178, 190,
215
- Clinton, a bill for the benefit of the Clerk of the 31, 43
- Clinton, an act for the benefit of the 87, 183, 189, 199
- Cumberland, a bill for the benefit of the Clerk of the 96,
183, 189, 199
- Cumberland, a bill authorizing to build a bridge 172
- Cumberland, a bill for the benefit of the 332, 431, 437,
453
- Estill, a bill to legalize the proceedings of the 172, 250,
318, 319
- Fleming, a bill for the benefit of the Clerk of the 68, 411,
438, 443, 455
- Floyd, an act for the benefit of the Clerk of the 231, 243,
329, 353, 378
- Gallatin, a bill to allow to change a State road 424, 439,
441, 452, 455
- Gallatin, a bill for the benefit of the 275
- Gallatin, petition of the 318

- Courts, County, Grayson, a bill to allow the, to reduce the price of vacant lands 172
- Green, an act requiring the holding of, in May and November 412, 441, 442, 451, 456
- Hickman, a bill to change the time of the 68, 287, 425, 431, 439, 454
- Johnson, an act for the benefit of the Clerk of the 231, 243
- Larue, a bill to regulate the time of the 275, 332, 425, 437, 453
- Livingston, a bill for the benefit of the 78, 139, 156, 161, 166, 182, 189, 199
- Marshall, a bill to allow to appoint a Treasurer 166, 172, 189, 199, 286, 431, 437, 453
- Marshall, a bill to give the control of a road to the 128
- Owen, a bill to regulate the 121, 132, 157, 168
- Pike, an act for the benefit of the Clerk of the 231, 243, 329, 353, 378
- Russell, a bill for the benefit of the 32, 43, 87, 183, 189, 199
- Scott, an act to allow to borrow money to build jail 208
- Todd, petition of the 316, 330, 358
- Trigg, an act to legalize the proceedings of the 148, 179, 187, 190, 215
- Union, a bill allowing the, to sell public square 85, 332, 425, 437, 453
- Wayne, a bill for the benefit of the 85
- Courts, District, a bill to establish and abolish the Circuit Court system 27, 255
- Courts of Chancery, a bill to extend the jurisdiction of 78
- Courts of Justice, committee on, appointed 36
- Covington and Cincinnati Bridge Company, a bill to incorporate the 31, 96, 143, 265, 277, 283
- Covington and Lexington Turnpike Company, a bill to repeal in part the act to amend the charter of the 69, 70, 161, 184, 194, 381, 416, 428
- a bill for the benefit of the 70, 161, 377, 391, 403, 423
- petition of the 88, 161
- Covington Division, No. 1, of the Sons of Temperance, a bill to incorporate the 27, 43, 125, 142, 152
- Covington Fire Company, petition of the 209
- a bill for the benefit of the 262, 318, 319
- Covington, petition of citizens of 226
- remonstrance of citizens of 231
- Cox, Elizabeth, petition of 120
- a bill to divorce 144, 226, 234, 238, 249, 261
- Cox, Leander M., excused from committee on the case of G. W. Kouns, 119
- excused from committee on Banks 142
- Crab Orchard and Lancaster Turnpike, an act to revive the charter of the 424, 428, 440, 454
- Craddock Fund, a bill to amend the act to invest 61, 81, 85, 108, 117, 185, 337, 384, 390

- Craig, Andrew, petition of 187, 188
 Craig, Silas, petition of 149
 Crawford, Sarah, an act for the benefit of the devisees of 237, 318, 319
 Criminal cases, an act prescribing the mode of change of venue in 422, 442, 451, 456
 Crittenden Circuit Court—see Courts, Circuit.
 Crow, Amos Taylor, a bill to change the name of, to A. T. Nichols 173
 Crow, Mizella, petition of 82
 a bill to divorce 144, 208
 Crutcher, Thomas, a bill for the benefit of, and his children 84
 Cumberland Circuit Court—see Courts, Circuit.
 Cumberland County Court—see Courts, County.
 Cumberland county, petition of citizens of 88, 217, 379
 remonstrance of citizens of 101
 Cumberland Hospital, annual report of the Trustees of the 89
 Dagnan, Michael, petition of 268
 Dam and Lock No. 1, on Barren river, an act providing for payment of repairs on 445
 Danville, a bill for the benefit of the mechanics in the town of 490, 439, 441, 452, 455
 an act to reduce into one the several acts in relation to the town of 230, 308, 331, 338
 an act to amend the law in relation to the town of 230, 308
 petition of the Trustees of the town of 87
 remonstrance of citizens of 208
 Danville and Hustonville Turnpike Road Company, an act to amend the charter of the 424, 438, 443, 455
 Danville and Perryville Turnpike Road Company, a bill to incorporate the 424, 438, 457, 457
 Darnals, Charles, an act to grant a change of venue to 360, 394, 416, 426
 Davidson, James, nominated for Treasurer 412
 elected Treasurer 413
 Daviess county—see Justices.
 petition of citizens of 121
 Daviess, Samuel, petition of 232
 Davis, Elias P., an act for the benefit of 176, 179
 Davis, James William, a bill to change the name of 50, 66, 109, 117
 Davis, Jonathan, an act for the benefit of, &c. 66, 134, 157
 Davis, William, an act for the benefit of 66, 134, 142, 157
 Deadly weapons, a bill to tax, &c. 96, 118, 140
 Deaf and Dumb Asylum at Danville, an act providing for the support of an additional number of pupils in the 273, 335, 353, 378
 petition of the Trustees of 208
 resolution to appoint committee to examine, 51, 56, 60, 60, 72, 83, 107
 committee to examine appointed 89
 report of committee on 289
 report of Trustees of the 82
 —see Legislative Documents.
 Dean, William, a bill to allow Morehead & Brown's Digest to 67, 128
 Deceased persons, a bill to protect the estates of 78

INDEX.

473

Deeds, an act to amend the act declaring certain deeds valid	433
Deeds, certain, an act to repeal the law declaring, valid	310
Dennis, John, petition of	57
a bill for the benefit of	106, 130, 142, 149
Depositions, a bill to amend the law regulating the taking of	96
Depositions of Attorneys at Law, an act to provide for the taking of the	425
	442, 451, 456
Derosset, Solomon, an act for the benefit of the heirs of, and others	176,
	179, 249, 277, 309
Dialectic Society of Shelby College, a bill to incorporate the	84, 261, 425,
	436, 454
Dicken, Joseph S. N. and James M., an act for the benefit of	309, 335, 353,
	377
Dickey, T. D., petition of	248
Dilly, James G., an act for the benefit of	238, 334, 353, 378
Districts, Judicial, a bill to establish the 20th	27
a bill to re-model the, &c.	85, 224, 376, 379, 391, 403
an act regulating the terms of the Circuit Courts in	
the 1st and 4th	412, 432, 433, 439, 443, 451, 457,
	458
Divorces, a bill to amend the law in relation to	84, 127, 151
a bill to reduce into one the laws concerning	173
Dix, Miss D. L., memorial of	293, 387
Dollins, John Wilson, a bill to change the name, &c.	339, 396, 415, 429
Doneghy, Sarah Ann, a bill to divorce	117, 138, 139
Dorris, William, petition of	120
Dorsey, James T., and wife, petition of	40
Dorsey, John P., an act for the benefit of, and others,	237, 317, 319
Drane, Thomas J., a bill to change the name of T. J. Gallaher, to that of	78
Draper, Martin, a bill for the benefit of	52
Drapier, A. E., permitted to take a seat within the bar of the House	12
Drury, Benedict W., a bill for the benefit of the executor of	332, 424
Dudley, Benjamin G., appeared and took his seat	12
added to committee on Enrollments	432
Dudley, William T., a bill for the benefit of	411, 438, 443, 455
Duelling Laws, an act to amend the	125, 136, 141, 178, 179, 180, 196,
	215
Duelling pistols, &c. a bill to tax	96, 118, 140
Duerson, John, petition of	57, 95
a bill for the benefit of	161, 188, 218
Dagnan, Catharine, a bill for the benefit of	339, 396, 415, 429
Duke, Thomas A., petition of	274
Duncan, S., an act for the benefit of and C. A. Wilson	379, 409, 425
Eagle Creek, a bill to build a bridge across	173
Easterday, Talitha, a bill for the benefit of	262, 317
Easton, Nancy, petition of	87
an act for the benefit of	230, 317, 319
Eckert, L. M., petition of	195
Edmonson county, petition of citizens of	131
Edmonson, Peter A., petition of	252
Education, committee on, appointed	37

- Education of the Blind, Kentucky Institution for the annual report of the Board of Visitors of the 133—see Legislative Documents.
 an act for the benefit of the 194, 316, 411, 438, 456
- Edwards, R. L., a bill for the benefit of 30, 49
- Election, contested, from Boone county 12, 51, 74, 96, 106, 119, 124
 report of committee on the 74
 report of minority of committee on 92, 96
- Election Laws, a bill explanatory of the 408
 an act to amend the 422, 442, 451, 456
- Election Precincts, in Allen county, a bill to change 67, 230, 396, 430, 439, 454
 in Bath county, a bill to change 389, 433, 443, 455
 in Breathitt, a bill to change 227, 166, 189, 199
 in Caldwell, a bill to change 127, 431, 436, 453
 in Clay, a bill to change 127, 166, 189, 199
 in Fayette, a bill to enlarge 431, 439, 454
 in Franklin, a bill to establish 337, 393
 in Gallatin, a bill to abolish 67, 127, 166, 381, 391, 403
 in Grant, a bill to establish 172
 in Hancock, a bill to change 230, 431, 437, 454
 in Hardin, a bill to establish 69
 in Hardin, a bill to limit the voting at, to one day 69
 in Harlan, a bill to change 69, 230, 431, 437, 454
 in Hart, a bill to change 69, 128, 148, 168
 in Hickman, a bill to change 68
 in Jessamine, a bill to change 69, 175, 431, 437, 454
 in Laurel, an act to establish, 166, 179, 190, 215
 in Lawrence, an act to establish 166, 179, 190, 215
 in Madison, an act to establish 127, 166, 189, 198
 in Morgan, a bill to abolish 332
 in Owsley, a bill to establish 68, 332, 431, 436, 454
 in Spencer, an act to change 166, 179, 190, 215
 in Warren, a bill to establish 218, 431, 439, 454
 in Warren, a bill to allow a change in 224, 439, 441, 452, 455
 in Whitley, a bill to abolish 85
- Elections and Privileges, committee on appointed 36
 report of committee on 449
- Elections, a bill to limit the, in Calloway and Marshall counties to one day 68, 128, 255, 424, 437, 453
 a bill to regulate in this Commonwealth 171, 230
 in Hardin, Laurel and Rockcastle counties, a bill to regulate 262, 431, 436, 454
- Elective Franchise, a bill to protect the 78, 95, 229
- Electors, a bill more fully defining the qualifications of 69
- Elizabethtown, a bill to authorize a survey of the town of, and to define its limits 150
 resolutions of meeting of the citizens of 410

- Elizabetown and Louisville Turnpike Company, a bill to repeal in part
 the act to amend the charter of the 69, 126, 161, 178,
 194, 381, 416, 423, 428, 438, 456
 Elliott, S., petition of 252
 Emancipation of slaves, a bill to amend the law authorizing the 27, 174
 a bill as greater security against 84
 Emigrants, a bill for the relief of 122, 392, 433, 452, 455
 Enrollments, committee on, appointed 39
 Estates, a bill to repeal an act regulating the administration and settle-
 ment of 31, 51
 Estates, insolvent, a bill to amend the law relative to the settlement of 173
 Estates of deceased persons, a bill to protect the 78, 339
 Estill and Owsley counties, a bill to run and mark the lines between 336, 433
 Estill County Court—see Courts, County.
 Estill county—see Sheriffs.
 petition of citizens of 195, 294
 Evans, Erastus, an act for the benefit of 136, 179, 411, 438, 456
 Evans, Isaac H., appeared and took his seat 47
 Evans, John, petition of 337
 Execution, a bill to amend the law exempting certain property from
 30, 68, 128, 151, 172, 187, 263, 269, 275, 313, 320
 Execution Law of 1828, a bill to amend the 32
 Execution Laws, a bill to amend the 67, 69
 Expenditures of the Board of Internal Improvement, committee on the
 appointed 38
 report of the committee on the 388
 Fairview, a bill to incorporate the town of 191, 231, 249, 261
 Fallis, Geo. R., leave of absence granted to 210
 Farmer's Bank of Somerset—see Bank.
 Farrar, Edward, petition of 40
 a bill divorcing, 122, 377, 391, 403
 Farrar, Martha, petition of 40
 a bill divorcing 122, 377, 391, 403
 Fayette county, an act for the benefit of the School Commissioners in
 73, 134, 142, 157
 Fayette Rifle Company, a bill for the benefit of 68, 185, 273, 380, 391, 403
 Fees of Clerks, a bill to reduce the 174
 Ferries on the Ohio river, an act concerning 231, 317, 319
 Fines, a bill to appropriate to the improvement of public roads 31, 50, 139
 Fireman's Insurance Company of Louisville, an act to amend the char-
 of the 117, 178, 190, 215
 First Auditor's Office, a bill to repeal the law establishing the 28, 50, 62
 Fitzpatrick, Arena, petition of 410
 Fitzpatrick, Garrett, an act granting a change of veaue to 66, 135, 148,
 190, 215
 Fleming County Court—see Courts, County.
 Fleming county, petition of citizens of 47, 87
 Fleming, John, a bill for the benefit of, and B. Hayden 79, 331, 440, 443
 445
 Flemingsburg, petition of citizens of 131
 Flint, Mary, a bill for the benefit of 173, 411, 438, 440, 454

- Flippin, James, a bill for the benefit of, and W. G. Howard 31, 43, 65, 109
 117
 236
 Flournoy, Robert J., petition of
 Floyd County Court—see Courts, County.
 Floyd county, an act to amend an act in relation to the county line of
 66, 134
 petition of citizens of 135
 Floyd's Fork Turnpike, an act to incorporate the 412, 423, 438, 456
 Floyd, William, petition of 41
 a bill for the benefit of, and others 86
 Foreign Insurance Offices, a bill to levy a tax on 84
 Forister, Thomas, petition of 209
 Fox, George W., petition of 115
 a bill for the benefit of, and others 185, 188, 192, 204,
 227
 Franchise, elective, a bill for the benefit of the 78, 95, 229
 Frankfort and Louisville Railroad Company, a bill to incorporate the 365
 Frankfort Manufacturing Company, an act to incorporate the 422, 442,
 451, 456
 Frankfort, South, Bridge Company, a bill to incorporate the 68, 96, 336,
 431, 440, 454
 Frank, Johnson, petition of 232
 Franklin and Anderson county lines, an act to change the 107, 178, 254,
 330, 358
 Franklin county, petition of the Trustees of the 19th School District in 252
 Franklin county, petition of citizens of 46, 107
 —see Election Precincts.
 Franklin, Elisha, a bill for the benefit of the heirs of 96, 130, 141, 149
 Franklin, Elizabeth, petition of 60
 Fraudulent and pretending Physicians, a bill to protect citizens against
 the malpractices of 69
 Frauds in the sale of salt, a bill to prevent 78
 Free children of color, a bill to amend the act providing for the binding
 out of 67
 Free negroes, a bill prohibiting the manufacture and sale of ardent
 spirits by 67
 a bill to prohibit the hiring of slaves to 172
 Free negroes, a bill further to amend the law concerning, and the escape
 of slaves 78, 245
 Fugate, Martin, an act for the benefit of 273, 335, 353, 378
 Fulton county, a bill to allow Morehead & Brown's Digest to certain
 Justices of the Peace in 68
 Fulton county—see Justices and Constables—see Sheriffs.
 Fund, Craddock, a bill to amend an act to invest 61, 81, 85, 108, 117, 185,
 337
 Fuqua, Thomas J., petition of 120, 160
 Gallaher, Thomas J., a bill to change the name of to T. J. Drane 78, 157,
 168
 a bill to change names of and Geo. W. Gallaher 128
 Gallatin County Court—see Courts, County.
 Gallatin county, petition of citizens of 283

- Gallatin county—see Election Precincts.
- Gaming, unlawful, a bill to amend the law against 78
- Gardner, Elisha, an act for the benefit of, and others 274, 334, 357, 384, 396
- Garnett, Susan, petition of 81
 a bill to divorce 365, 425, 437, 453
- Garnett, William H., a bill for the benefit of 339, 396, 415, 429
- Garnett, William W., petition of 337
- Garrard county, petition of citizens of 195
- Garrard county—see roads.
- Garret, Rebecca, petition of 101
 a bill for the benefit of and W. F. B. Garrett 287, 425, 437, 453
- Garrett, Wm. F. B., a bill for the benefit of and Rebecca Garrett 287, 425, 437, 453
- Gault, Frances, a bill for the benefit of 173
- Gee, Jesse, petition of 81
 a bill to divorce 144, 226, 234, 377, 392, 403
- General Assembly, an act to change time of the meeting of the 73, 135
- General Assembly, resolution to fix a day for the final adjournment of the 70, 101, 158, 182, 186, 262, 263, 264, 274, 317
 resolution rescinding resolution fixing the day for the final adjournment of the 426, 440, 441
 adjournment of the *sine die* 458
- General Court—see Court, General.
- Geological Survey, resolution in relation to 337
- Gibson, Thomas W., a bill for the benefit of 32, 188
- Glasgow and Scottville Turnpike Road Company, an act to amend the charter of the 87, 134, 161, 184, 397, 424, 438, 456
- Glasgow, petition of citizens of 195
 an act concerning the town of 221, 334, 353, 378
- Godsey, Samuel, a bill for the benefit of 173, 262, 318, 319
- Gordon, G. W. and S. H., petition of 167
- Gordon, Woodson Clay, petition of 158
 a bill to change name of to W. C. Montgomery 250, 318, 331, 337
- Gore, Henry, appointed on committee on printing 183
- Governor, annual message of the 13
 committee to wait on, appointed 11, 458
 message of, covering report of the Commissioners appointed to settle with the Commonwealth's Bank 42
 message of, correcting error in annual message 146
 message of, vetoing bill for the benefit of W. T. Samuels 92, 134, 147
- Graham, Mary M., a bill to change the name of to Mary M. McIntire 187
- Graham, Sarah, a bill for the benefit of, and Daniel O'Neal 70, 122, 166, 189, 198
- Grand Jurors—see Jurors.
- Grant Circuit Court—see Courts, Circuit.
- Grant county—see Election Precincts.
 —see Sheriffs.
- Grant, William H., petition of 136, 395

- Graves county, petition of citizens of 232
 —see Constables.
 —see Common Schools.
 —see Sheriffs.
- Graves, L., a bill for the benefit of 310, 332, 396, 416, 429
- Gray, James, petition of 56, 144
- Gray, Joseph, elected Seargeant-at-arms 6
 thanks of House returned to 458
- Gray, Louisa, an act to divorce 157, 179, 376, 384, 397
- Gray, Phillip R., petition of 268
- Gray, Wm. M., an act to change the name of, to W. M. Medlock, 194, 316, 330, 358
- Grayson County Court—see Courts, County.
- Grayson, petition of the citizens of the town of 195
 a bill to reduce the price of vacant lands in 275, 412, 437, 453
- Green county, petition of citizens of 38, 108, 217
 —see Constables.
 —see Sheriffs.
- Green, Henry, an act allowing a change of venue to 126, 178, 249, 277, 309
- Greensburg, Bardstown and Glasgow Turnpike Company, a bill to incorporate the 172
- Green River Navigation and Manufacturing Company, a bill to incorporate the 173
- Greenup county, a bill to limit the sale of spirituous liquors in 379
 petition of citizens of 176, 184
 —see Constables.
 —see Road Law.
- Grievances and Propositions, committee on, appointed 36
- Griffin, Levi, a bill to allow Morehead and Brown's Digest to 67
- Griffith, Benjamin M., petition of 82
 a bill to divorce 144, 188, 194, 218
- Grigsby, Aurelius Valerion, a bill to change the name of, to A. V. Hall 69, 106, 125, 142, 149
- Grimes, John H., petition of 41
- Grinstead, James H. petition of 87
- Grissom, William, petition of 40
 a bill divorcing 122, 156
- Guess, Moses, petition of, and others 41
 a bill granting change of venue to 57, 81, 108, 117
- Gustin, Sally, petition of 195
 a bill for the benefit of 411, 438, 440, 455
- Gwynn, Mary N., an act for the benefit of 231, 334, 353, 378
- Hacks, a bill exempting, from the tax on pleasure carriages 69, 134, 139
- Hale, Amon C., petition of 46
 a bill allowing a change of venue to 96, 125, 130, 142, 150
- Haley, G. W., an act to change the name of G. W. Sowder to that of 101, 178, 190, 215
- Hall, A. V., a bill to change the name of A. V. Grigsby to that of 69
- Hall, Mary A. M., petition of, and others 30
 a bill for the benefit of 43, 60, 65, 74

INDEX.

479

- Hall, Robert B., an act for the benefit of 386, 442, 451, 456
- Hamilton, an act to change the name of Landing to 238, 334, 353, 378
- Ham, J. T. & J. C., petition of 115
- Hancock county, petition of citizens of 195
- Hancock county—see Constables.
- see Election Precincts.
- Hancock, Mary, petition of 46
 - a bill to divorce 61, 117, 117, 138, 139
- Hansborough, P. F., petition of 337
- Hardin county, petition of citizens of 39, 46, 57, 88, 143, 208, 268
 - memorial of citizens of 39
 - see Justices.
- Hardin county—see Election Precincts.
- see Elections.
- Hardy, James G., nominated for Speaker 5
 - votes for 5, 6
- Harlan and Knox counties, a bill to run and mark the line between 173, 332, 396, 415
- Harlan county, petition of citizens of 40
 - remonstrance of citizens of 232
- Harlan county—see Election Precincts.
- Harlan, Rockcastle and Owsley counties, an act for the benefit of 396, 442, 451, 456
- Harned, Larkin, petition of 251
 - a bill for the benefit of 443
- Harrison Circuit Court—see Courts, Circuit.
- Harrison county—see Justices.
- Harris, N. R., a bill to repeal the first section of the act for the benefit of 389
- Hart county, petition of citizens of 177
 - see Election Precincts.
- Hart, John, petition of 131
- Hathaway, Catharine, petition of 167
 - a bill for the benefit of 339
- Havens, Coonrod, petition of 46
 - a bill for the benefit of 230, 357, 359, 376
- Haydon, Ben., petition of 269
 - a bill for the benefit of 79, 331, 440, 443, 455
- Head, Daniel, appeared and took his seat 47
 - leave of absence granted to 333
- Head, Thomas S., petition of 59
 - a bill for the benefit of 237, 318, 331, 337
- Headley, John W., appeared and took his seat 7
- Headright surveys, an act to extend the time of registering 176, 179, 411, 431, 434, 438, 441, 456
- Helm, Thomas D., petition of 318
- Helm, Thos. J., elected Clerk 6
 - thanks of House returned to 458
- Hellums, Littleton, petition of 46
- Henderson, a bill to allow the Trustees of, to license coffee houses, 159, 160
 - petition of citizens of 82
- Henderson county, petition of citizens of 56

- Hendrix, Eufracia, an act to change the name of, to E. Smith 377, 394, 410, 426
- Henly, A. F., petition of 309
- Henry county, petition of citizens of 149, 149, 184
 remonstrance of citizens of 181, 191
 a bill to add part of to Oldham 218, 265
- Herndon John C., nominated for assistant Clerk 10
 votes for 10
 elected assistant Clerk 11
 thanks of the House returned to 458
- Herndon, Mary E., an act to divorce 329, 335, 354, 378
- Herndon, Reuben, petition of 41
 a bill divorcing 122, 329, 335, 354, 378
- Hestand, Daniel, petition of 40
- Heston, Isaiah, an act to continue in force for one year the act for the benefit of 42, 55, 82, 107
- Hickman County Court—see Courts, County.
- Hickman county—see Election Precinct.
 —see Justices of the Peace.
 —see Jailers.
- Hickman, petition of citizens of the town of 221
 a bill to amend the charter of the town of 287, 425, 437, 453
- Hickman, a bill to establish a public Seminary in the town of, and to erect a levee on the Mississippi river 128
 an act to establish a Marine Railway in 166, 179, 190, 215
- Hillman, N. Y., a bill for the benefit of 49
- Hillsboro', a bill to incorporate the town of 68, 127, 166, 190, 198
- Hinds, Amanda Jane, an act to change the name of, and others 101, 178, 249, 268, 277, 309
- Hodges, A. G., nominated for Public Printer 413
 votes for 413
 elected Public Printer 414
- Holbrook, Socrates, petition of 209
- Hollifield, Thomas M., petition of 40, 57
- Holly, John, a bill to change the name 106, 125, 142, 149
- Holman, Tarlton, petition of 158
- Holtzclaw, Ann Elizabeth, an act for the benefit of 248, 334, 353, 378
- Honaker, John, petition of 41
 a bill for the benefit of, and others 86
- Hopkins Circuit Court—see Courts, Circuit.
- Hopkinsville, petition of citizens of 107, 135
 remonstrance of citizens of 107
 a bill to extend the limits of the town of 191, 221, 253
 an act to amend the law in relation to electing the Trustees of 329, 335, 354, 379
- Horsman, Charles, a bill for the benefit of, and others 79, 133, 166, 182, 189, 199
- Hoskins, Rachael, petition of 226
 a bill divorcing 390, 438, 440, 455
- Hospital, Cumberland, annual report of the Trustees of 89

- Hotel and Water Company, Blue Lick, a bill to incorporate the 32, 128,
255, 425, 440, 454
- Houses, tavern and tipling, a bill to amend the law in regard to 69
- Howard, John D., petition of 251
a bill for the benefit of 286, 318, 319
- Howard, Samuel, an act for the benefit of the widow and heirs of 221, 334,
353, 378
- Howard, William B., a bill for the benefit of 32, 80, 229, 336, 384, 391
- Howard, W. G., a bill for the benefit of, and James Flippin 31, 43, 65, 109,
117
- Howe, James, a bill for the benefit of the widow and heirs of 68, 287, 424
- Howser, Thomas, a bill for the benefit of 52, 80, 235, 377, 391, 403
- Hunt, John A., a bill for the benefit of 408, 441, 457, 457, 458
- Hunt, John, petition of 126, 160
- Hunton, John C., leave of absence granted to 127
- Hustonville and Danville Turnpike Road Company, an act to amend
the charter of the 424, 438, 443, 455
- Idiots, a bill to change the support of, from the Treasury, to the several
counties 31, 50
- Idiots, an act for the benefit of the, in Letcher and Perry counties 166, 179,
190, 215
- Idiots and lunatics, an act to amend the law in relation to 357, 394, 416,
426
- Importation of slaves, a bill to amend the act of 1833 prohibiting the 31, 127
a bill to modify the act of 1833 prohibiting the 84
- Independent Order of Odd Fellows, a bill for the benefit of the members
of Washington Lodge, No. 3, of the 32, 49, 125, 142, 150
- Infants, a bill to protect the rights of 172
- Insolvent estates, a bill to amend the act relative to the settlement of 173
- Institute, Calliopean of Murray, a bill to incorporate the 274, 335
- Institute, Mechanics, in Paducah, a bill to establish the 286, 425, 437, 453
- Institution, Cook Benevolent, an act to incorporate the 308, 335, 353, 377
- Institution for the Education of the Blind, Kentucky, annual report of
the Visitors of 133
—see Legislative Documents.
- an act for the benefit of the 194, 316, 411, 438, 456
- Insurance Company, Firemen's of Louisville, an act to amend the char-
ter of the 117, 178, 190, 215
- Louisville and Kentucky Mutual, annual report
of the 63
- Merchants' Louisville, an act to amend the charter
of the 121
- Insurance Offices, foreign, a bill to levy a tax on 84
- Interest and usury, a bill to amend the laws concerning 172
- Internal Improvement, Board of, annual report of the 86
—see Legislative Documents.
- responses of President of to resolutions 33, 110, 122,
137
- a bill concerning the, and Commonwealth's Bank
and Old Bank of Kentucky 62
- reports of in relation to claims 103, 201

- Internal Improvement, communications of President of 118, 119, 144, 145,
240, 344, 361
—see Legislative Documents.
an act prescribing further duties of the 357, 393,
404, 422, 441, 452, 456
a bill authorizing a settlement with the 389, 433
- Internal Improvements, committee on, appointed 37
- Iron, a bill for the benefit of the manufacturers of 172
- Israelites of Louisville, petition of 120
- Jackson, a bill to authorize the Trustees of the town of, to change an
alley 331, 425, 436, 454
- Jailer of Clay county, petition of 229
- Jailers, of Hickman, Oldham and Livingston, a bill for the benefit of 57, 81,
109, 117
- James, Francis, petition of 158
- Jarvis, Lewis, petition of 120
- Jefferson and Bullitt counties, a bill to amend the act to run and re-mark
the line between, &c. 30, 43, 65, 108, 117
- Jefferson and Shelby counties, a bill to amend the act to run and re-
mark the line between 30
- Jefferson Circuit Court—see Courts, Circuit.
- Jefferson county, petition of citizens of 39, 46, 135, 143, 177, 208, 268,
283
remonstrance of citizens of 101, 209, 232
- Jessamine county—see Election Precincts.
- Johnson County Court—see Courts, County.
- Johnson county, petition of citizens of 232, 388
- Johnson, James, a bill to amend the act for the benefit of 174, 331
- Johnson, Noah, petition of 42
- Johnson, Sylvester, petition of 187
- Johnstonville, a bill to establish the town of 230, 317, 319
- Jones, Daniel E., leave of absence granted to 143
- Jones, Gustavus V., petition of, and others 81, 223
- Jones, Murry M., petition of, and others 41
a bill granting a change of venue to 57, 81, 108, 117
- Jones, Philip F., petition of, and others 41
a bill granting a change of venue to 57, 81, 108, 117
- Jones, Samuel Allison, a bill to change the name of Samuel Allison to
that of 27
- Jones, Thomas E., a bill for the benefit of 31
- Jouett, Col. L., petition of 318
- Journeyman mechanics, a bill to exempt the wages of, from garnishment
for debt 68, 128
- Judges, Circuit, a bill to reduce the salaries of the 50, 86, 148, 151, 162,
172, 177
- Judicial Districts, a bill to establish the 20th 27
a bill to re-model the, &c. 85, 224, 376, 379, 391, 403
an act regulating the terms of the Circuit Courts in
the 1st and 4th 412, 432, 433, 439, 443, 451, 457, 458
- Judiciary, committee on appointed 36
report of the committee on the case of John Tilford 283

INDEX.

483

- Jurisdiction of Courts of Chancery, a bill to extend the 78
- Jurisdiction of Justices of the Peace, a bill to increase the 67, 109
- Jurisdiction of the General Court, an act to limit the 221
- Jurors, a bill for the benefit of, in trying the right of property 31, 128
- Jurors, a bill to provide for the compensation of, in trial before Justices of the Peace 28, 331
- Jurors, grand and petit, a bill to equalize the pay of 174
- Jury laws, an act to amend the 425, 442, 451, 456
- Justices of the Peace, a bill to allow to certain counties 118, 157, 188, 218
 - a bill to amend the act concerning 391
 - a bill to amend the law in relation to the jurisdiction of, in cases under £5 172, 173
 - a bill to amend the law of proceedings before 173
 - a bill requiring certain duties of 268, 278, 309
 - a bill to increase the jurisdiction of 67, 109
 - a bill to protect the citizens of Kentucky against the impositions of the, and Constables 52
 - a bill to provide for the compensation of jurors in trials before 28
 - an act requiring certain duties of 126, 130, 178, 237, 239
 - an act to amend the law regulating appeals from the judgments of 117, 173, 178, 249, 277, 309
 - an act to authorize the Secretary of State to furnish Morehead & Brown's Digest to certain 320, 412, 437, 453
 - in Carter county, an act to allow 167, 179, 190, 215
 - in Daviess, a bill to allow 68
 - in Fulton, a bill to allow 31, 43, 60, 65, 74
 - in Fulton, a bill to allow Morehead & Brown's Digest to 68, 389
 - in Harrison, petition of the, &c. 29, 32
 - in Lawrence, an act to allow 180, 188, 190, 215
 - in Lincoln, an act to allow 388, 395, 412, 416, 426
 - in Monroe, petition of 56, 101
 - in Muhlenburg, a bill to allow 57, 72, 108, 117
 - in Owen, a bill for the benefit of 30
 - in Perry, a bill to reduce the number of 172, 332, 396, 415, 429
 - in Pulaski, a bill to allow 332, 392, 430, 439, 454
 - in Scott, a bill to reduce the number of 336
 - in Simpson, a bill to repeal act limiting the number of the 84, 127, 157, 168
 - in Spencer, a bill to reduce the number of 308, 335, 353, 378
 - in Union, a bill to allow 57, 92, 108, 117
 - in Washington, a bill for the benefit of the 174, 287
 - in Washington, a bill to allow 388, 393, 409, 426
- Keene, an act to amend the charter of the town of 226, 334, 353, 378
- Keepers of the Penitentiary, annual report of the 35
 - see Legislative Documents.
- Kendrick, Carol, an act for the benefit of 318, 335, 354, 379

- Kennedy, Urban E. and Achsah H., petition of 56
 a bill for the benefit of 96, 125, 130, 142, 150
- Kenner, Charles H. and Marcus M., an act for the benefit of, and others 66,
 134, 150, 165, 190, 215
- Kenney, Elizabeth, petition of 167, 229, 236
- Kenton and Boone counties, a bill to run and mark the line between
 396, 429, 438, 456
- Kenton Circuit Court—see Courts, Circuit.
- Kenton county, petition of citizens of 42, 88, 88, 107
 a bill to amend the road law in 70, 321
 —see Constables and Justices.
- Kentucky and Tennessee, an act to establish the line between the
 States of 188, 316, 379, 395
- Kentucky and Lexington Railroad Company, a bill to incorporate the
 172, 236, 354, 431, 440, 455
- Kentucky and Louisville Mutual Insurance Company, annual report of
 the 63
- Kentucky, Banks of, a bill concerning the 52, 70, 86, 117, 135, 142, 150
- Kentucky Institution for the Education of the Blind, annual report of
 the Visitors of the 133
 —see Legislative Documents.
- an act for the benefit of the 194, 316, 411, 438, 456
- Kentucky Militia—see Militia.
- Kentucky River, a bill to construct additional Locks and Dams on 274, 331
 a bill to improve the downward navigation on the
 North and Middle Forks of 233
 a bill to reduce and regulate tolls on the 78, 210
- Kincaid, John, Jr., an act to divorce 126, 127, 130
- Kincaid, Martha S., an act to divorce 126, 127, 130
- King, Milton, a bill for the benefit of 96, 183, 189, 199
- King, Munford, petition of 40, 57
- King, Philip, petition of 46
- King, Rufus, petition of 274
- Kinhead, Geo. B., nominated for Director of the Lunatic Asylum,
 elected 415
- Kirtley, Elijah, nominated for Doorkeeper, 6
 votes for 6, 8
 nomination of withdrawn 8
- Knox and Harlan counties, a bill to mark the line between 173, 332, 396
 415, 429
- Knox county, petition of citizens of 40
 remonstrance of citizens of 232
- Knoxville, Nashville and Louisville Railroad Company, an act to revive
 and amend the charter of the 310, 331, 431, 441, 449, 452,
 456
- Kouns, Geo. W., depositions in relation to 92
 committee on case of, appointed 92, 119
 petition of 107
 memorial of 167
 report of committee on the case of 265, 307, 396
- Lagrange, petition of citizens of 108

INDEX.

485

- Lagrange, a bill to prevent the sale of liquors in 128, 166, 190, 198
- Lair, William, a bill for the benefit of 133, 230
 - petition of 158
- Lancaster and Crab Orchard Turnpike, a bill to revive the charter of the 424, 438, 440, 454
- Lancaster, petition of citizens of the town of 195
 - an act to amend the charter of 231, 317, 319
- Land, Hardin, an act to change the name of, to Hardin Crawford 188, 315, 330, 358
- Landing, an act to change the name of the town of to Hamilton 238, 334, 353, 378
- Landlord and Tenant, a bill for the benefit of 128, 286
- Lands, unappropriated, in Madison county, a bill to reduce the price of 32, 43, 148, 183, 189, 199
 - in Grayson, a bill to reduce the price of 275
- Lane, James, an act granting a change of venue to 208, 316, 330, 357
- Langston, Jonathan C., a bill for the benefit of 30
- Larceny, petit, a bill to change the mode of punishment in cases of 59
- Larue Circuit Court—see Courts, Circuit.
- Larue County Court—see Courts, County.
- Larue county, petition of citizens of 41, 57
 - see Elections.
- Laurel county—see Election Precincts.
- Law, James S. & Co., petition of 115
- Lawrence Coal Mining Company, a bill to incorporate the 210, 236, 384, 392
- Lawrence, Mr., use of Hall tendered to 140, 239
- Lawrence county—see Election Precincts.
 - see Justices of the Peace.
- Laws, Common School, a bill to amend the 27
 - duelling, an act to amend the 136, 141, 179
 - election, a bill explanatory of the 408
 - an act to amend the 422, 442, 451, 456
 - execution, a bill to amend the of 1828 32
 - a bill to amend the 67, 69
 - jury, an act to amend the 425, 442, 451, 456
 - Militia, a bill to change the 27
 - a bill to amend the 186, 234,
 - penal, a bill to amend the 127, 173, 208, 245, 254, 268, 316, 377, 381, 457, 457, 457
 - revenue, a bill to amend the 377, 394
 - a bill to repeal the act of 1843 to amend the 69, 78, 109, 422, 442
 - statute, a bill to purchase the third volume of the 391
 - a bill to appoint Commissioners to revise and digest the 78
- Leathers, William F., nominated for Doorkeeper 6
 - votes for 7
 - nomination withdrawn 7
- Leavell, Benjamin, petition of 30
 - a bill for the benefit of 48, 66, 108, 117

- Leavy, Wm. A., nominated for Director of the Lunatic Asylum 415
 elected 415
 Leonard, Charles G., nominated for Librarian 414
 votes for 414
 Lester, Lindsey, petition of 158
 a bill divorcing 390, 439, 452, 455
 Letcher county, petition of citizens of 209
 Levi, James C., petition of 66
 Levi, Mary E., petition of 59, 123
 a bill to divorce 123, 141, 142, 146
 Lewis, Edward, an act for the benefit of 66
 Lexington and Covington Turnpike Company, a bill to repeal in part,
 an act to amend the charter of the 69, 70, 161, 184, 381,
 416, 428
 a bill for the benefit of the 70, 161, 377, 391, 403, 423, 428
 petition of the 88
 Lexington and Kentucky River Railroad Company, a bill to incorporate
 the 172, 236, 354, 431, 440, 455
 Lexington and Licking Railroad Company, a bill to incorporate the 31, 80,
 233, 323
 Lexington and Maysville Turnpike Company, a bill for the benefit of
 the 78
 Lexington and Ohio Railroad Company, a bill to revive the 236, 273, 278,
 312, 345, 365
 Lexington, Louisville and Maysville lien law, a bill to extend the pro-
 visions of the, to the whole State 30
 Lexington, petition of Council of 131
 Librarian, Public, annual report of the 197, 198
 Library, committee on the, appointed 39
 Trustees of the, report of the 344
 Licking and Lexington Railroad Company, a bill to incorporate the 31,
 80, 233, 323
 Licking River Contractors, an act to provide for settling the claims of the 423
 Licking River Convention, memorial of the 117
 Licking River Navigation Company, a bill to incorporate the 78, 181, 273,
 345, 422, 423, 437, 453
 Lien Law, a bill to extend the Mechanics, of Louisville, Lexington and
 Maysville to the whole State 30
 Lightfoot, Philip, an act for the benefit of 73, 134, 227, 254
 Lincoln county, an act for the benefit of 81, 208, 251
 Little Sandy river, a bill allowing mill dams to be built on, &c. 125, 178
 Livingston Circuit Court—see Courts, Circuit.
 Livingston County Court—see Courts, County.
 Livingston county—see Jailers.
 Lock and Dam No. 1, on Barren river, an act providing for payment
 of repairs on 445
 Locks and Dams, a bill to construct additional on Kentucky river, 274, 331
 Lock No. 3, on Green river, a bill to cut a canal at 173
 Logan, Robert W. and Richard A., a bill for the benefit of 31
 Logan, William, a bill for the benefit of the devisees of 69, 390, 439, 452
 455

- Long, Elizabeth Ann, an act for the benefit of 238, 334, 393, 417, 426
- Louisville and Bonharbour Coal Company, a bill to incorporate the 156, 175, 178, 191, 215
- Louisville and Elizabethtown Turnpike Company, a bill to repeal in part the act to amend the charter of the 69, 126, 161, 178, 194, 381, 416, 428
- Louisville and Frankfort Railroad Company, a bill to incorporate the 365
- Louisville and Kentucky Mutual Insurance Company, annual report of the 63
- Louisville and Mississippi Railroad, an act to amend the charter of the 166, 179, 245, 333, 392, 412, 416, 426
- Louisville and Portland Canal Company, annual report of the 90
- Louisville and Portland Railroad Company, a bill to amend act incorporating the 28, 161, 218, 262, 283
- Louisville Bank, a bill to amend the charter of the 121, 230, 308, 319
- Louisville, Lexington and Maysville, a bill to extend the provisions of the Mechanics' Lien Law of, to the whole State 30
- Louisville Merchants' Insurance Company, a bill to amend the charter of the 121, 230, 308, 319
- Louisville, Nashville and Knoxville Railroad Company, an act to revive and amend the charter of the 310, 331, 431, 441, 449, 452, 456
- Louisville, petition of citizens of 46, 108
- remonstrance of citizens of 345
- Louisville Tobacco Warehouse, an act for the benefit of the 377, 394, 412, 416, 426
- Louisville University, an act to establish the 233, 234, 254, 268, 329, 330, 337
- Lucas, John S., petition of 41, 360
- a bill for the benefit of 361, 376, 396, 415, 429
- Lunatics and Idiots, an act to amend the laws in relation to 357, 394, 416, 426
- Lunatic Asylum, an act for the benefit of the 392, 395, 417, 431, 438, 456
- report of the Trustees of the 217
- see Legislative Documents.
- Lunatic Asylum and Transylvania University, resolution to appoint committee to examine 51, 56, 60, 63, 72, 83, 107, 143, 157, 168
- committee to examine, appointed 89
- report of the committee appointed to examine 289
- Lytle, Robert, petition of 131
- Machen, Francis, petition of 40
- a bill for the benefit 106, 130, 141, 149
- Madison county, a bill to reduce the price of unappropriated land in 32, 43, 148, 183, 189, 199
- petition of citizens of 66
- Madison county—see Election Precincts.
- Madison county—see Roads.
- Magistrates, a bill to increase the jurisdiction of 67, 109
- Mahan, William, an act to change the name of to Wm. Nelson Rice 318, 335, 354, 379

- Manufacture of ardent spirits—see Ardent Spirits.
 Manufacturers and mechanics, a bill for the benefit of 362, 363, 364, 365
 Manufacturers of iron, a bill for the benefit of the 172
 Manufactures and Agriculture, committee on the, appointed 38
 Manufacturing and Navigation Company, a bill incorporating the Bar-
 ren river 85, 185, 226, 249, 261
 a bill to incorporate the Green river 173
 Manufacturing Company, Frankfort, an act to incorporate the 422, 442,
 451, 456
 Marion county—see Constables.
 Married women, a bill further to protect the rights of 84, 186, 234, 313,
 340, 439, 440, 455
 Marshall and Calloway counties, a bill to limit the elections in to one
 day 68, 128
 Marshall County Court—see Courts, County.
 Marshall county, petition of citizens of 46
 Marsh, Nathan, a bill for the benefit of 32, 128, 191, 320
 Martin, Alley, petition of 47
 a bill to divorce 61, 81, 133
 Martin, Milton, an act granting a change of venue to 66, 134, 142, 157
 Mason county, a bill to remove the Seat of Justice of, from Washington
 to Maysville 27, 43, 205, 210, 317
 petition of citizens of 46, 131, 358, 359
 memorial of citizens of 60
 Mason county, an act to amend an act to provide for taking the sense
 of the people of relative to the Seat of Justice of said
 county 354, 376
 Mason county, memorial of citizens of 120
 Mason, Wm. B., leave of absence granted to 53, 77
 added to the committee on Lunatic Asylum 168
 Masterson, Mary F., a bill for the benefit of 31
 Maupin, R. D., petition of 176
 Maxey, Rice, nominated for Assistant Clerk 10
 votes for 11
 Mayberry, Frederick, petition of 115
 Mayfield, a bill to incorporate the town of 27, 43, 72, 188, 218
 Mayhall, Joseph H., nominated for Doorkeeper 6
 votes for 6, 8, 9
 nomination withdrawn 9
 Mayo, William, an act for the benefit of, and others 87, 179, 227, 268, 277,
 309
 Maysville, a bill to authorize the city council of, to appoint an inspector
 of weights and measures 78
 petition of citizens of 238, 390
 memorial of citizens of 60
 Maysville and Lexington Turnpike Company, a bill for the benefit of
 the 78
 Maysville College, a bill to incorporate the 78, 185, 273, 319
 Maysville, Lexington and Louisville, a bill to extend the provisions of
 the mechanics' lien law of, to the whole State 30
 McCann, Neal, petition of 195

- McClure, Jediah, a bill for the benefit of 68, 411
 McClure, J. G., petition of 238
 McDonald, Alexander, petition of 149
 McGill, Thomas, petition of 336
 McGuire, Diana, an act for the benefit of 166, 179, 227, 233, 254, 268
 McIntire, John, a bill for the benefit of, and others 174
 McIntire, Mary M., a bill to change the name of M. M. Graham to 187
 McIntire, Thomas, an act for the benefit of 86, 134, 142, 157
 McKibbin, J. T., petition of 252
 McMillin, James, petition of 141
 McMillan, Moses, a bill for the benefit of 31, 49, 72, 108, 117
 McWhorter, Elijah, an act for the benefit of, and others 87, 179, 227, 268, 277, 309
 Meade county, petition of citizens of 39, 46, 143, 208
 remonstrance 208
 Meadows, Pleasant, petition of and wife 136
 a bill divorcing 390, 439, 439, 454
 Means and Ways, committee on, appointed 37
 Measurement of coal, a bill to regulate the 68
 Mechanics and manufacturers, a bill for the benefit of 362, 363, 364, 365
 Mechanics in Danville, an act for the benefit of the 390, 439, 442, 452, 455
 Mechanics' Institute in Paducah, a bill to establish 286, 425, 437, 453
 Mechanics' Lien Law, a bill to extend the, of Louisville, Lexington and Maysville to the whole State 30
 Medlock, Wm. M., an act to change the name of W. M. Gray to 194, 316, 330, 358
 Meeting of the General Assembly, an act to change the time of the 73, 135
 Merchant's Insurance Company of Louisville, a bill to amend the charter of the 121, 230, 308, 319
 Mershon, John, petition of 252
 Message of the Governor, annual 13
 in relation to settlement with the Bank of the Commonwealth 42
 correcting error in annual message 146
 vetoing bill for benefit of W. T. Samuels 92, 134, 147
 Metcalfe, A. D., petition of 41
 Methodist Episcopal Church, South—see Church.
 Midway, petition of the citizens of 131
 an act to incorporate the town of 354, 376
 Milan, Archey, petition of 56, 102
 Military Affairs, committee on, appointed 37
 Militia, a bill to divide the 24th Regiment of the 31
 a bill for the benefit of the 71st Regiment of Kentucky 185, 273, 319
 petition of the 20th Regiment of 40
 a bill to legalize proceedings of the 20th Regiment of 62, 166, 189, 198
 Militia laws, a bill to change the 27
 a bill to amend the 186, 234

- Miller, Joseph, petition of 46, 358
 a bill to divorce 61, 81, 134
- Miller, Samuel W., petition of 232
- Million, Robert, petition of 115
- Mills, an act to amend an act for the benefit of the owners of, injured by
 slackwater navigation 431, 442, 452, 456
- Mills, Milton, resolutions in relation to the funeral of, &c. 410
 resolution allowing full pay to 440
- Milner, John D., petition of 136
- Milton, a bill to establish the town of 127, 157, 161, 214, 233
- Mims, Gideon S. and Susan Mary, a bill for the benefit of 50, 95, 125, 175,
 189, 198
- Ministers of the Gospel, resident in Frankfort, resolution to invite to
 open House with prayer, 11
 thanks of House returned to 458
- Mississippi and Louisville Railroad, an act to amend the charter of the 166,
 179, 245, 333, 412, 416, 426
- Mississippi Railroad Company, an act to authorize the, to extend their
 road from the Southern boundary of Kentucky to the
 Mississippi river 357, 394, 416, 426
- Mitchell, Margaretta, petition of 40, 223
- Mitchell, W. D., an act for the benefit of, and others 133, 166, 182, 189, 199
- Mitchell, Wm. P., a bill for the benefit of 231, 317, 331, 338
- Moffett, F. H., petition of, and others 379
- Moffett, Nancy, petition of 115
- Moffett, Robert A. and Mary P., a bill for the benefit of 287, 396, 415, 429
- Monday, Redmond F., an act for the benefit of the heirs of 166, 179, 249,
 277, 309
- Money, an act for the appropriation of 434, 435, 436, 439, 442, 443, 449,
 451, 452, 452, 457
- Monroe county, petition of citizens of 47, 216
 —see Justices of the Peace.
 —see Sheriffs.
- Montgomery Circuit Court—see Courts, Circuit.
- Montgomery county, a bill to establish a special chancery term in 78, 96,
 125, 142, 149
 petition of citizens of 66, 88, 141, 195, 217, 248, 432
 —see Sheriffs.
- Montgomery, Woodson Clay, a bill to change the name of W. C. Gor-
 don to 250, 318, 331, 337
- Moore, Jesse, leave of absence granted to 310
- Moore, John A., petition of 221
- Moore, John, a bill for the benefit of, and others 174
- Mooreman, Achilles, a bill for the benefit of the children of 128, 157, 218
- Mooreman, Jesse, petition of heirs of 30
- Moore, Mary, a bill divorcing 390, 433, 443, 455
- Moore, William, petition of 115
- Moredock, Jonathan T., an act for the benefit of 60, 62, 95, 109, 121
- Morgan county, petition of citizens of 40, 141, 217, 432
 remonstrance of citizens of 131, 432

- Morgan county—see Constables.
- Morganfield, a bill to extend the powers and jurisdiction of the Police Judge in 85, 332, 425, 430, 439, 454
petition of citizens of 88
- Morgantown, a bill to amend an act to establish a Seminary of learning in 222, 275, 412, 437, 453
- Morrow, Wm., petition of 130
- Moss, John, petition of 40, 101
- Mount Eden, an act to incorporate the town of 157, 180, 188, 190, 215
- Muhlenburg county, petition of citizens of 42, 81, 121
—see Justices of the Peace.
—see Sheriffs.
- Murray, A. R., allowed a seat within the bar of the House 11
- Murray, Calliopean Institute of, an act to incorporate the 274, 335, 357
384, 397
- Mutual Insurance Company, Louisville, Kentucky, annual report of the 63
- Myers, Lewis, leave of absence granted to 187
- Nashville, Knoxville and Louisville Railroad Company, an act to revive and amend the charter of the 310, 331, 431, 441, 449,
452, 456
- National salute, resolution to fire on the 5th of January 58
- Navigation and Manufacturing Company, a bill to incorporate the Barren river 85, 185, 226, 249, 261
a bill to incorporate the Green river 173
- Navigation Company, a bill to incorporate the Licking river 78, 181, 273,
345, 422, 423, 437, 453
- Neale, Richard D., petition of 222
- Neet, John, petition of 195
- Negroes, free, a bill prohibiting the manufacture and sale of spirits by 67
a bill further to emend the laws concerning and the escape of slaves 78
- Nelson county, petition of citizens of 59
- Nelson county—see Constables.
- Nesbit, Rachel, a bill for the benefit of, and W. W. Bowen 262, 318, 319
141, 227
- Newby, John, petition of 185, 273, 319
- Newcum, Jonathan, a bill for the benefit of 173, 287,
396, 416, 429
- New Liberty, a bill to amend the acts to incorporate the town of 88
116
- Newman, Geo. W., petition of 171
- Newman, Jonathan, petition of 29, 141
- Newport and Alexandria Turnpike Road Company, a bill to incorporate the 118, 229, 317, 354, 376
- Newport, petition of citizens of 321, 396, 416, 429
a bill to extend the limits of 101, 216
- Nicholas county, a bill to amend the act to add part of to Bracken county
petition of citizens of —see Constables.
- Nicholasville, an act to reduce into one the several acts regulating the town of 148, 179, 190, 215
- Nichols, Amos T., a bill to change the name of Crow to 173

- Noel, R. P. W., petition of 248, 395
 Nodyn, a bill to improve the navigation of 172, 237
 Non-residents, a bill to amend the law in relation to 173
 Norton, Hiram, petition of 309
 Odd Fellows, a bill for the benefit of the members of Washington Lodge, No. 3, of the Independent Order of 32, 49, 125, 142
 150
 309
 Oden, V. B., petition of 84
 Offices, Foreign Insurance, a bill to levy a tax on 39
 Offices, Public, committee on, appointed 199
 report of committee on
 Officers and soldiers in the Clay county expedition, a bill to provide for the payment of the 310
 131
 Officers of 42d Regiment, petition
 Officers, Public, resolution fixing a day to elect 283, 329, 390, 395, 410, 426
 412, 413, 414
 election of 39
 Offices, Public, committee on appointed 199
 report of committee on 131
 Offutt, Augustine B., petition of 187
 Ogilby, Peter F., petition of
 Ohio and Lexington Railroad Company, a bill to revive the 236, 273, 278, 312, 345, 365
 Ohio county—see Sheriffs.
 Ohio river, an act concerning ferries on the 231, 317, 319
 82, 150
 O'Kane, Thomas, communication of 149
 Oldham county, petition of citizens of
 Oldham county—see Jailers.
 O'Neal, Daniel, a bill for the benefit of, and Sarah Graham 70, 122, 166, 189, 198
 149
 O'Rear, J. B., petition of
 a bill for the benefit of 230, 336, 384, 391
 170
 Oregon, resolutions in relation to 425, 436, 454
 Owenboro', a bill to enlarge the boundaries of the town of
 Owen County Court—see Courts, County.
 —see Sheriffs.
 Owen county—see Justices of the Peace.
 Owens, Joshua P., James S. and Margaret F., an act for the benefit of 166, 179, 237, 254, 268
 Owingsville and Big Sandy Turnpike, an act for the benefit of the citizens living on the 251, 335
 268
 Owingsville, petition of citizens of
 Owners of Mills injured by slackwater navigation, an act to amend an act for the benefit of 431, 442, 452, 456
 Owsley and Estill counties, a bill to run and mark the lines between 336, 433
 47, 136, 159
 Owsley county, petition of citizens of
 —see Election Precincts.
 Owsley, Harlan and Rockcastle counties, an act for the benefit of 396, 442, 451, 456
 'Paducah Mechanics' Institute, a bill to establish the 286, 425, 437, 453

INDEX

493

Paducah, petition of citizens of	183
a bill for the benefit of Marine Railways in	126, 178, 190, 215
a bill to amend the charter of the town of	133
Palmer and Guion, petition of	115
Parker, Lewis, petition of	60
Partnerships and Corporations, a bill to amend the law in relation to	173
Payne, Edmund, petition of	41, 88
a bill for the benefit of	96, 148, 168
Payne, Reuben, a bill granting a change of venue to	318, 331, 338
Pedlers, a bill to amend the law in relation to	67, 128, 412
Pedling, a bill to prevent the practice of	78
Penal Laws, a bill to amend the	127, 173, 208, 245, 254, 268, 316, 377, 381, 457, 457, 457
Pendleton and Campbell counties, an act to run and mark the line between	208, 316, 330, 358
Pendleton Circuit Court—see Courts, Circuit.	
Pendleton, Ephraim, a bill to change the name of	127
Pendleton, Wm. A., an act for the relief of the administrator of	230, 273, 319
Penitentiary, annual report of the Keepers of the	35
an act in relation to the	357, 394, 398, 399, 401, 402, 422, 427, 429, 431, 438, 456
an act to appropriate money to purchase books for the	433, 439, 440, 441, 452, 455
committee on the, appointed	38
report of the committee on the	358
Perkins, Charles, petition of	216
Perry and Breathitt counties, a bill to define the line between	174, 331, 396, 415, 429
Perry county—see Sheriffs.	
—see Justices of the Peace.	
Perry, Lewis, petition of	109
Perryville and Danville Turnpike Road Company, an act to incorporate the	424, 438, 457, 457
Persons who take up property floating on rivers, a bill to regulate the pay of	173, 332
Peters, B. J., leave of absence granted to	222
added to committee on Enrollments	432
Petit jurors—see Jurors.	
Petit larceny, a bill to change the mode of punishment in cases of	69
Pettit, William N., nominated for Doorkeeper	6
votes for	7
nomination of, withdrawn	7
Philips, Henry H., an act for the benefit of	316, 330, 358
Physicians, fraudulent and pretending, a bill to protect citizens against the malpractices of	69, 128
Pierce, James, petition of	183
Pinley, Clementine, a bill to change the name of, to C. Waterbury	57, 72, 108, 117
Pinxton, Noah, a bill for the benefit of, and others	174
Pittman, James, an act for the benefit of	231, 334, 353, 378

- Pistols, a bill to tax, &c. 96, 118, 140
 Pointer, Geo. W., petition of 141
 Police Judge in Athens, a bill to authorize the appointment of 318, 335, 354, 379
 in Morganfield, a bill to enlarge the powers of the 85, 425, 430, 439, 454
 Portland and Louisville Canal Company, annual report of the 90
 Portland and Louisville Railroad Company, a bill to amend act incorporating the 28, 161, 218, 262, 283
 Port Oliver, an act to amend the law regulating the election of Trustees in the town of 329, 335, 354, 379
 Port Royal, petition of citizens of 329
 a bill to authorize the Trustees of to change an alley 392, 438, 440, 454
 Poston, S. J., petition of 239
 a bill for the benefit of 332, 440, 443, 455
 Potter, Frederick, petition of 137, 339, 388, 416, 428
 Practice in suits in Chancery, a bill to amend the 68
 Prater, James W., an act for the benefit of 136, 179, 411, 438, 456
 Prator, Robert, an act for the benefit of 126, 178
 Preachers' Aid Society of the Kentucky Conference, an act to amend the act for the benefit of the 208, 316, 330, 358
 Presidents, Professors, Teachers and Scholars, a bill to exempt from militia duty, and from working on roads 28, 50
 Presbyterian Church—see Churches.
 Pretending and fraudulent Physicians, a bill to protect citizens from the malpractices of 69
 Price, James, a bill for the benefit of and wife 28
 Price, James C. and Mary C., an act for the benefit of 308, 335, 353, 377
 Price, Henry Lewis, a bill to change the name of, to H. L. Tucker 172
 Price, R. A., petition of 167
 a bill for the benefit of 445, 449, 457, 457
 Price, William, an act for the benefit of 223, 254
 Price, Zerilda Jane, petition of 116
 a bill to divorce 390
 Priest, John H., appeared and took his seat 7
 Printing, Public, an act concerning the 422, 427, 438, 456
 Printing, Public, resolution to appoint a committee on the 39, 59
 committee on the appointed 39, 59
 report of committee on the 359
 —see Legislative Documents.
 report of minority of the committee on the 392
 —see Legislative Documents.
 Privileges and Elections, committee on appointed 36
 report of committee on 449
 Proceedings, Civil and Chancery, a bill to amend the laws of 286, 306
 Property, a bill to amend the law exempting certain, from execution 30, 68, 128, 151, 172, 187, 263, 269, 275, 313, 320
 Property floating on rivers, a bill to regulate the pay of persons who take up 173, 332
 Propositions and Grievances, committee on, appointed 36

INDEX.

495

Public Offices, committee on, appointed	39
report of committee on	199
Public Printing, an act concerning the	422, 427, 438, 456
resolution to appoint a committee on the	39, 59
committee on the appointed	39, 59
report of the committee on	359
—see Legislative Documents.	
report of the minority committee on the	392
—see Legislative Documents.	
Pulaski county—see Sheriffs and Justices.	
petition of citizens of	318
Punctual Sheriffs, a bill for the benefit of	62
Qualifications of electors, a bill more fully defining the	69
Quinn, Absalom, petition of	47, 61
Radford, Joseph A. and Louisa J., an act for the benefit of	66, 135, 148, 190, 215
Ragland, Wm. M., petition of	231
Railroad Company, Lexington and Kentucky River, a bill to incorporate the	172, 236, 354, 431, 440, 455
Lexington and Licking, a bill to incorporate the	31, 80, 233, 323
Lexington and Ohio, a bill to revive the	236, 273, 278, 312, 352, 365
Louisville and Frankfort, a bill to incorporate the	365
Louisville and Mississippi, an act to amend the charter of the	166, 179, 333, 392, 412, 416, 426
Louisville and Portland, a bill to amend the act to incorporate the	28, 28, 80, 161, 218, 262, 283
Louisville, Nashville and Knoxville, an act to revive the	310, 331, 431, 441, 449, 452, 456
Mississippi, an act to authorize the, to extend their road from the Southern boundary of Kentucky to the Mississippi or Ohio river	357, 394, 416, 426
Ralls, John, petition of	46
a bill for the benefit of	139
Ramsey, William, an act for the benefit of, and others	274, 334, 357, 384, 396
Randolph, Geo. W. S., petition of	222
Rankin, John, petition of	238
Ransom, Richard H., an act for the benefit of	135, 166, 182, 189, 199
Rawson, Richard A., petition of	108
Raywick, an act incorporating the town of	384, 396
Rayer, Elizabeth, petition of	232
Read, Joseph, petition of	126
Reid, Hon. Walker, communication of	82
Religion, committee on, appointed	37
Renfro, J., petition of	135, 184, 186
Renoe, Richard D., petition of	47
Rents, a bill to amend the laws in relation to the collection of	173
Resolutions, calling on Attorney General and Secretary of State for Digest of Revenue laws	106

- Resolutions, calling on Board of Internal Improvement for information 12,
 71, 79, 80, 94
 calling on First Auditor for information 169
 calling on Second Auditor for information 45, 168
 directing Sergeant-at-Arms to sell settees and buy chairs for
 Representative Chamber 79
 directing Sergeant-at-Arms to put up a curtain in window
 of Representative Chamber 178
 instructing committee on Banks 94, 116, 138, 139, 142, 143,
 143
 instructing committee on Claims 223
 instructing committee on corruptions 169
 instructing committee on Internal Improvements 71, 79, 116,
 170, 175, 191, 216
 instructing committee on the Judiciary 65, 70, 71, 79, 116, 169
 instructing committee on Military Affairs 210
 instructing committee on the Penitentiary 79, 138, 186
 instructing committee on Religion 71, 73
 instructing committee on Sinking Fund 71
 instructing committee on Ways and Means 45, 45, 48, 51, 52,
 159, 168, 169, 171, 222, 224, 248
 instructing standing committees how to report 377
 instructing the Clerk to issue certificates for full pay to tardy
 members 440
 in relation to suspension bridge at Wheeling 254
 in relation to Milton Mills 410, 440
 to appoint committee to wait on Governor 458
 to appoint committee to revise the rules of the House 10
 to appoint committee on judicial corruptions 51, 53, 54
 to appoint a committee to examine into and report on the
 unfinished business 411
 to elect Assistant Clerk 10
 to examine blind pupils 178
 to fire national salute 58
 to issue writ of election to Sheriff of Boone county 132
 to limit speeches 311
 to meet at 9 o'clock in the morning 168, 333
 to print synopsis of the acts 432
 to refer Governor's Message to committees 45
 to reduce pay of Clerk and Doorkeeper 170
 to return thanks to Clerk 458
 to return thanks to Speaker 458
 to return thanks to Sergeant-at-arms, Doorkeeper and as-
 sistant Clerk 458
 to return thanks to Ministers for opening House with prayer 458
 to request Ministers to open the House with prayer 11
 to wear mourning for Alfred Williams 45
 Resolutions, joint, calling on the Secretary of State for his financial
 plan 146, 165, 190, 199
 in relation to a Geological Survey 337
 in relation to Oregon 170

- Resolutions, joint, in relation to rates of postage 198
in relation to Texas 169, 204, 219
to address Geo. W. Kouns out of office 265, 307, 396
to adjourn *sine die* on 10th Feby. 70, 101, 158, 182, 186, 262, 263
to adjourn *sine die* on the 23d Feby. 263, 264, 274, 317
to appoint a committee to examine Transylvania University, the Lunatic Asylum and the Deaf and Dumb Asylum 51, 56, 60, 63, 72, 83, 107, 143, 157, 168
to examine certain claims 273, 278
to fix a day to elect Public Officers 283, 329, 390, 395, 410, 426
to instruct committee on Printing 83, 106, 119, 148, 183, 218
to rescind adjourning resolution 426, 440, 441
to withdraw from the Governor a bill for the benefit of J. H. Coleman 432, 438, 457, 457
Resor, Charles W., petition of 184, 395
Revenue, a bill to amend the laws for the collection of the 69
a bill to establish a State Bank for the purposes of 84
Revenue Laws, a bill to repeal the act of 1843 to amend the 69, 78, 109
an act to amend the 377, 394
an act to repeal the law of 1843 to amend the 422, 442
Reynolds, Wm. and Walker, an act to change the names of to William and Walker Cockran 60, 62, 83, 107
Rice, William Henry, a bill to change the name of, &c. 339, 396, 415, 429
Rice, William Nelson, an act to change the name of William Mahan, to that of 318, 335, 354, 379
Ricks, John, an act for the benefit of 357, 394, 410, 426
Rifle Company, Fayette, a bill for the benefit of the 68
Rigg, A. M., petition of 167
a bill for the benefit of 331, 425, 437, 453
Rights of married women, a bill further to protect the 84, 186, 234, 313, 340
Rights of infants, a bill to protect 172
Road Companies—see them under their respective names.
Road Companies, Turnpike, an act to provide for filling vacancies in the Directory of 185, 226, 233
Road Laws, a bill to amend the 69, 128
in Boone, a bill to amend the 269
in Campbell, a bill to amend the 85, 236
in Greenup county, an act to amend the 318, 335, 354, 379
Roads, Rail—see Railroad Companies.
Roads, State, a bill to appropriate fines to the improvement of 31, 50, 139
a bill to allow the County Courts of Carroll and Gallatin to change 424, 439, 441, 452, 455
an act to authorize the County Court of Breckinridge to change 48, 56, 82, 107
from Adairsville in Logan, to Bowlinggreen in Warren county, a bill to construct 31, 424, 439, 443, 455
63

- Roads, State, from Crab Orchard to Somerset, a bill to improve the 173
 from Grayson county to Bowlinggreen, a bill to establish 424, 439,
 443, 455
 from Muddy river to Russellville, a bill establishing 77, 423
 from Paduch to Gray's ferry, a bill to change 127, 176, 189, 198
 from Waidsboro' to Moss' ferry, a bill to place the, under the
 control of the County Court of Marshall county 128, 166,
 189, 199
 in Boone, from Carlton's ferry to the Covington Turnpike, a bill
 to establish and improve 337, 393, 416, 426
 in Clarke, a bill to keep the, in repair 67, 133, 166, 182, 189, 199
 in Madison and Garrard, an act to establish 194, 316, 330, 358
 in Whitley, a bill to improve 85
- Roads, Turnpike—see them under their respective names.
- an act concerning 188, 334
- Roberts, Francis, petition of 115
- Robertson, Edmond, an act for the benefit of 396, 442, 451, 456
- Robertson, Geo. A., nominated for Public Librarian 414
 votes for 414
 elected Librarian 415
- Roberts, Winston, a bill for the benefit of 121, 376, 431, 437, 453
- Rockcastle county—see Elections.
- Rockcastle, Harlan and Owsley counties, an act for the benefit of 396, 442,
 451, 456
- Rodef Scholum, a bill to incorporate the 151, 238
- Rogers, Adam, Addison and Samuel, petition of 115
- Rogers, John, a bill for the benefit of the children of 69, 230, 308, 380,
 391, 403
- Rogersville, a bill to change the name of Arcada to 128, 157, 168
- Roman, Eliza A., a bill to amend the act for the benefit of 286, 425, 437,
 453
- Roman, W. W., petition of 120
- Root, Ira, leave of absence granted to 269
- Rose, John, a bill for the benefit of 85
- Ross, James, petition of 88
- Rules of the House, committee to revise the, appointed 11
 report of committee to revise the 12
- Russell and Clinton county line, an act to change the 73, 135, 183
- Russell Circuit Court—see Courts, Circuit.
- Russell County Court—see Courts, County.
- Russell County, a bill for the benefit of the 17th Common School Dis-
 trict in 251
- Russell county—see Sheriffs.
- Russellville, an act concerning the town of 166, 179, 237
- Salaries of the Circuit Judges, a bill to reduce the 50, 86, 148, 151, 162,
 172, 176, 177
- Salem Academy, petition of the Trustees of the 216, 229
- Sale of ardent spirits—see Ardent Spirits.
- Salling, John P., petition of, and others 41
 a bill granting change of venue to 57, 81, 108, 117
- Salt, a bill to prevent frauds in the sale of 78

- Salt river, an act to improve the navigation of, and Beech and Rolling
fork 233
- Salute, National, resolution to fire on the 8th January 58
- Sames, Joseph and Susan, petition of 88, 395
- Samuels, Preston F., a bill for the benefit of 67, 127, 229, 308
- Samuels, Wm. T., a bill for the benefit of 32, 43, 60, 65, 134, 147
- Governor's veto of bill for benefit of 92, 134, 147
- Sanders, Geo. W., a bill to allow Morehead & Brown's Digest to 67
- Saufley, William P., nominated for Doorkeeper 6
- votes for 6, 7, 8, 9
- Scarce, Lewis, a bill for the benefit of 222
- Scholars, &c., a bill to exempt the, in Colleges and Schools, from mili-
tia duty, and from working on roads 28, 50
- Scholum, Rodef, a bill to incorporate the 151, 238
- Schools and Colleges, a bill to exempt the Presidents, Professors, Teach-
ers and Scholars from militia duty, &c. 28, 50
- School Commissioners in Carroll county, an act for the benefit of 273, 335,
353
- Schools, Common—see Common Schools.
- Schultz, C. & Co., a bill for the benefit of 78
- Seofield, Henry, petition of 56, 134
- Scott County Court—see Courts, County.
- Scott county, an act to authorize the committing of the criminals in, to
jails in adjoining counties 141, 179, 190, 215
- Scott county, petition of citizens of 101
- see Justices of the Peace
- Scott, Moses, petition of 319
- Scott, William, petition of 195
- Scottsville and Glasgow Turnpike Road Company, an act to amend the
charter of the 87, 134, 161, 184, 397, 424, 438, 456
- Secretary of State, an act authorizing the to furnish Morehead &
Brown's Digest to certain Justices of the Peace 320, 412,
437, 453
- Secretary of State, communications of the 72, 92, 112, 113, 343
- see Legislative Documents.
- financial scheme of 343
- see Legislative Documents.
- resolution asking the, for his financial scheme 146, 165,
190, 199
- Seminary, Bath, a bill to amend and revive an act to incorporate the 424,
439, 443, 455
- Settlement of estates—see Estates.
- Sewell, Thomas, petition of 187
- Sharpsburg, petition of citizens of 251
- Shaver, Ezra, a bill for the benefit of 69
- Shelby and Jefferson counties, a bill to amend the act to run and re-
mark the line between 30
- Shelby College, a bill to incorporate the Dialectic Society of 84, 261, 425,
436, 454
- Shelby county, petition of citizens of 309
- Shelby, Lafayette, petition of 136

- Shelbyville, petition of citizens of 209
 an act to incorporate the town of 388, 395, 412, 417, 426
 Shelbyville Presbyterian Church—see Church.
 Sheriffs, a bill for the benefit of the punctual 62
 a bill for the benefit of 222, 236, 275, 336, 384, 391
 a bill regulating the succession of 172
 a bill requiring to execute bond for double the amount of re-
 venue to be collected 337, 394, 416, 426
 an act for the benefit of certain 336, 337, 344, 416, 426
 of Breckinridge, an act continuing in force an act for the
 benefit of 42, 55, 82, 107
 of Breckinridge, an act for the benefit of the 73, 134, 254
 of Caldwell, a bill for the benefit of the 30
 of Casey, a bill for the benefit of the 31, 43, 66, 183, 189, 199
 of Clinton, an act for the benefit of the late 66, 134, 142, 157
 of Estill, a bill for the benefit of the 68
 of Fulton, a bill for the benefit of the 172, 262, 308, 381, 416, 428
 of Grant, a bill for the benefit of the 52
 of Green, a bill for the benefit of the 66, 134, 142, 157
 of Green, a bill for the benefit of the late 66, 134, 142, 157
 of Hardin, a bill for the benefit of 332, 440, 443, 455
 of Laurel, an act for the benefit of the 273, 335, 353, 378
 of Meade, a bill for the benefit of the 150
 of Monroe, a bill for the benefit of 31, 43, 65, 109, 117
 of Montgomery, a bill for the benefit of 332, 440, 443, 455
 of Muhlenburg, an act for the benefit of 81, 134, 142, 157
 of Ohio, an act for the benefit of the late 81, 134, 142, 157
 of Owen, a bill for the benefit of the 173
 of Pendleton, an act for the benefit of the late 273, 335, 353, 378
 of Perry, a bill for the benefit of the 32, 86, 148, 183, 189, 199
 of Pulaski, an act for the benefit of the 60, 63, 72, 83, 107
 of Russell, a bill for the benefit of the late 133
 of Shelby, an act for the benefit of the 273, 335, 353, 378
 of Union, a bill for the benefit of the 118, 188, 380, 391, 403
 of Whitley, a bill for the benefit of the 31, 43, 151, 234, 336
 Shockency, R. W., petition of 116
 Silk Cocoons, a bill to repeal all laws allowing a bounty on 61
 Simmons, Robert, an act granting a change of venue to 73, 134, 249, 277, 309
 Simpson county, petition of citizens of 222
 —see Justices of the Peace.
 Simpsonville, a bill for the benefit of the town of 32, 310
 Simpson, Wm. G., a bill for the benefit of 173
 Singleton, S. F., petition of 149
 a bill for the benefit of 411, 438, 439, 454
 Sinking Fund, Board of Commissioners of the, annual report of the 33
 —see Legislative Documents.
 a bill to incorporate the 78, 94, 337, 393, 404, 424, 438, 456
 Sinking Fund, committee on the appointed 38
 report of the committee on the 445
 Skaggs, William, an act for the benefit of 66, 134, 142, 157
 Slaves, a bill to amend the law authorizing the emancipation of 27

- Slaves, a bill to amend the law concerning 248, 384, 412, 416, 426
 a bill to amend the law in relation to the emancipation of 174
 a bill to amend the act of 1833, prohibiting the importation of 31, 127
 a bill to modify the act of 1833 prohibiting the importation of 84
 a bill further to secure the custody of, when they sue for freedom 84
 a bill as greater security against the emancipation of 84
 a bill further to amend the laws concerning free negroes and the
 escape of 78, 245, 333
 a bill prohibiting the hiring of, to free negroes 172
 Sluder, Orvil, petition of 232, 395
 Smallwood, Lois, petition of 46
 a bill for the benefit of 86, 440, 443, 455
 Smart, Richard, a bill for the benefit of 173, 236, 245
 Smart, William, an act for the benefit of 309, 333
 Smith, Catharine, a bill divorcing 390, 425, 437, 453
 Smith, Catharine, petition of 158
 Smith, Edmund F., petition of 283
 Smith, Eliza Jane, petition of 176
 Smith, Hubbard B., a bill for the guardian and heirs of 52, 96, 308, 381,
 416, 428
 Smith, James, petition of 252
 Smith, J., petition of 30
 Smith, Lemuel, a bill for the benefit of 84
 Smith, Nicholas, a bill for the benefit of the heirs of 31, 339, 431, 437, 453
 Smith, Thomas J., petition of 116
 Smith, Thomas, petition of 115
 Smith, William B., petition of 131
 Smith, William Oden, petition of 120, 127
 a bill to change name of to Wm. Markham Oden
 Smith 157, 183, 189, 199
 Snell, Robert, a bill for the benefit of, and Henry Blanton 186, 189, 243,
 388, 391, 403
 Society, Bourbon Agricultural, a bill to amend the charter of the 67, 127,
 176, 189, 198
 Society, Dialectic, of Shelby College, a bill to incorporate the 84, 261, 425,
 436, 454
 Soldiers and Officers in the Clay county expedition, a bill to pay 310
 Solomon, E. D., an act to repeal the first section of an act for the ben-
 efit of 389
 Somerset Academy, an act to authorize the Trustees of to sell and con-
 vey ground 221, 316, 330, 358
 Somerset, an act to incorporate the town of 318, 335, 383, 397
 Somerset, Farmers' Bank of, an act to appoint Commissioners to collect
 the dues of the, and pay them to its creditors 126, 178, 190,
 215
 Sons of Temperance, a bill to incorporate the, in Covington 27, 43, 125,
 142, 150
 South Frankfort Bridge Company, a bill to incorporate the 68, 96, 336, 431,
 440, 454
 Sowder, Geo. W., an act to change the name of to G. W. Haley 101, 178,
 190, 215

- Spalding, Jesse, a bill for the benefit of 174
 Spalding, William, petition of 131
 Sparr, Ben. Thomas, an act to change the name of 377, 394, 410, 426
 Sparks, John, a bill for the benefit of 50, 66, 108, 117
 Spencer county—see Justices of the Peace.
 —see Election Precincts.
 Spirits, Ardent—see Ardent Spirits.
 Stanford, petition of citizens of 232
 a bill to extend the limits of 389, 433, 444, 445
 Stanton, R. H., permitted to take a seat within the bar of House 45
 Stark, Catlett C., petition of 141, 395
 Starke, Lucy S., remonstrance of 187
 Stark, Thomas, a bill for the benefit of 69, 144, 377
 Starke, Thomas, petition of 131, 432
 State Bank, a bill to establish a, for the purposes of revenue 84
 State Roads—see Roads, State.
 Statute Laws, a bill to appoint a commissioner to revise and digest the 78
 a bill to purchase the 3d volume of the 391
 Stephens, Enoch, an act granting a change of venue to 309, 335, 353, 378
 Stephens, James N., petition of, contesting the seat of Geo. W. Brasher 12
 committee on petition of, appointed 30
 report of committee on petition of 74
 report of minority of committee 92
 resolutions declaring him entitled to his seat 77, 125
 appeared and took his seat 126
 resignation of 132
 re-appeared and took his seat 214
 Stephens, Wm. H., an act for the benefit of, and others 176, 179, 249,
 277, 309
 Stevenson, John W., leave of absence granted to 126
 Stockton, Edward D., a bill for the benefit of 68, 230, 273, 320,
 Stockton, Wm. W., an act to legalize the appointment as Constable in
 Green county 188, 316, 330, 357
 Stone Coal, a bill to regulate the sale of 172
 Stout, E., a bill for the benefit of, and others 30, 33, 48, 59, 61
 Strode, Harriet, a bill for the benefit of, and the heirs of Ed. Strode 52, 95,
 411, 438, 440, 454
 Strong, Alexander, petition of 47
 a bill for the benefit of 127, 160, 188, 218
 St. Phillips, Henry, an act for the benefit of 194, 316, 330, 358
 Stumps, John, petition of the heirs of 120
 a bill for the benefit of the children of 339, 431, 437, 453
 Suits in Chancery, a bill to amend the practice in 68
 Summett, John, petition of 47, 103
 Sumpter, Edmund R., petition of 248, 395
 Superintendent of Public Instruction, annual report of the 63
 —see Legislative Documents.
 Surveys, Headright, an act to extend the time of registering 176, 179
 Suter, Wm. M., petition of 176
 Sweeney, J., petition of 188
 Tadlock, Carter, an act for the benefit of the devisees of 237, 318, 319

- Tadlock, Cynthia, petition of 81
- Talley, Green B. and Mary, petition of 56, 144
- Tanner, William, permitted to take a seat within the bar of the House 11
 nominated for Public Printer 413
 votes for 413
- Tate Joseph W., petition of 115
 a bill divorcing 144, 336, 377, 392, 425, 430, 439, 454
- Tavern and tipling houses, a bill to amend the law in relation to 69
- Tax, a bill to regulate the duties of Commissioners of 191, 245, 329, 365
- Taylor, J. D., petition of 101, 118
- Taylor, Maria T., petition of 136, 221
 an act for the benefit of 329, 335, 354, 378
- Taylor, Samuel F., petition of 115
 a bill for the benefit of 185, 320, 425, 436, 454
- Taylor, William M., a bill for the benefit of the children of 106, 125, 130,
 142, 150
- Teachers, Professors, Presidents and Scholars in Schools and Colleges,
 a bill to exempt from militia duty and working roads 28, 50
- Tenant and Landlord, a bill for the benefit of 128, 286
- Tenants, a bill to prevent the fraudulent practices of 173
- Tennessee and Kentucky, an act to establish the line between the
 States of 188, 316, 379, 395
- Texas, resolutions in relation to 169, 204, 219
- Thomas, John, an act for the benefit of 66, 134, 160, 190, 215
- Thomas, William, appeared and took his seat 65
- Thompson, Edward, petition of 120
- Thompson, Elizabeth, an act for the benefit of and her children 194, 316,
 417, 438, 456
- Thurston, Ezekiel, leave of absence granted to 77
- Tilford, John, petition of 141
 a bill to amend the act authorizing a settlement with 250,
 283, 322
- Tipling and Tavern houses, a bill to amend the law in relation to 69
- Tobacco warehouse, Louisville, an act for the benefit of the 377, 394, 412,
 416, 426
- Todd County Court—see Courts, County,
- Tolls on Kentucky river, a bill to reduce and regulate the rates of 78, 210
- Tolly, Mary, petition of 309
- Tomlinson, M. V. and M. A., petition of 238
- Tompkins, John, petition of 40, 236
 a bill for the benefit of 236, 339, 396, 416, 429
- Towns—see them under their respective names.
- Transylvania University, resolution to appoint committee to examine 51,
 56, 60, 63, 72, 83, 107, 143
 committee to examine appointed 89
 report of committee on 289
- Treasurer, annual report of the 27
 —for report see Legislative Documents.
- Trigg County Court—see Courts, County.
- Trigg county, petition of citizens of 120
- Trimble Circuit Court—see Courts, Circuit.

- Trimble county, a bill to divide into Magistrate's districts 319, 332, 396,
415, 429
 petition of citizens of 379
Trimble county line, an act to change the 188, 315
Triplett, Philip, petition of 344
Troops, a bill for the payment of the, called into the service of the State 185
Tucker, Henry Lewis, a bill to change the name of H. L. Price to 172
Turner, J. A., Jr., petition of 231
Turnpike Road Companies—see them under their respective names.
Turnpike Roads—see them under their names.
Turpin, Sabina, an act for the benefit of, and others 308, 335, 353, 379
Tutt, Turner C., petition of 274
Underwood county, a bill to establish 191, 193
Underwood, Joseph R., nominated for Speaker 5
 votes for 5
 elected Speaker 6
 thanks of House returned to 458
Unlawful gaming, a bill to amend the law against 78
Union Circuit Court—see Courts, Circuit.
Union County Court—see Courts, County.
Union county—see Justices—see Sheriffs.
 petition of citizens 88, 88, 209, 318
University of Louisville, an act to establish the 233, 234, 254, 268, 329,
330, 337
University, Transylvania, resolution to appoint committee to examine 51,
56, 60, 63, 72, 83, 107, 143
 committee to examine appointed 89
 report of committee on 289
Usury, a bill to amend the laws concerning 172
Venue, an act prescribing the mode of change of, in criminal cases 422, 442,
452, 456
Visitors to the Penitentiary, annual report of the 27
 —see Legislative Documents.
 of Kentucky Institution for the education of the Blind, annual
 report of 133
 —see Legislative Documents.
Wadlington, William, an act for the benefit of 130, 179
Wages of Journeymen Mechanics and laboring men, a bill to exempt the
 from garnishment for debt 68, 128
Walker, Jane, Marion and Samuel, a bill for the benefit of 230, 318, 331,
337
Wallace, Salem, leave of absence granted to 206
Wallace, William, petition of 232
Wall, Geo. W., a bill for the benefit of the infant heirs of 96, 125, 130, 142,
150
Walton, Betsey, a bill to change the name of and Mary Ann White 57, 72,
108, 117
Wall, Alexander H., petition of 41
Ware, J. T., petition of 131
Warren county, petition of citizens of 82, 167, 222
 —see Election Precincts.

INDEX.

505

Washington county, petition of citizens of	209, 274
remonstrance of citizens of	410
—see Justices of the Peace.	
Washington Lodge, No. 3, I. O. O. F.—see Odd Fellows.	
Water and Hotel Company, Blue Lick, a bill to incorporate the	31, 128,
	255, 425, 440, 454
Waterbury, Clementine, a bill to change the name of C. Pinley to	
that of	57, 72, 108, 117
Waterberry, Wm., petition of	41
Wathen, Benjamin, petition of	82
Wathen, Elizabeth, a bill for the benefit of	127, 255, 317, 319
Watt, John, petition of	41
a bill for the benefit of, and others	86
Watson, John U., petition of	41
Watson, Raleigh, an act for the benefit of, &c.	66, 134, 157
Watson, Thomas, petition of	60
a bill divorcing	122, 166, 182, 189, 199
Wayne County Court—see Courts, County.	
Wayne county—see Constables.	
Ways and Means, committee on, appointed	37
report of committee on	403
Weapons, deadly, a bill to tax, &c.	96, 118, 140
Wells, Andrew and Nathan, petition of	232
Wells, John, a bill for the benefit of	77
Wheeling Board of Trade, memorial of	252
White, Jacob, a bill for the benefit of	172, 262, 308, 381, 416, 428
Whitley county—see Election Precincts—see Sheriffs.	
a bill to improve the State roads in	85
White, Mary Ann, a bill to change the name of, and Betsey Walton	57, 72,
	108, 117
Wiatt, Milton E., petition of	222
Wickliffe, Nathaniel, a bill for the benefit of	78, 185, 251
Wilderness Turnpike Road, an act to amend the law in relation to the	442,
	451, 456
Wilkins, Jackson, petition of	56, 134
Williams, Alfred, resolution to wear mourning for	45
Williams, Elizabeth, an act for the benefit of	231, 334, 336, 353, 378
Williamson, Helliard, petition of, and others	88, 217
Williams, Robert, petition of	115
Willis, Catharine H., an act for the benefit of	221, 334, 353, 378
Wilson, Ambrose, petition of	88
Wilson, C. A., an act for the benefit of and S. Duncan	379, 409, 425
Wilson, D. W., petition of	167, 229
Wilson, Turner, petition of	135
an act for the benefit of	185, 251
Wilson, Wm. K., petition of	268
Witnesses, a bill to amend the law in relation to summoning to attend	
court	67
Winchester, Christian Church—see Church.	
Winchester, petition of citizens of	209
a bill concerning the town of	424

- Winfrey, Mariel, petition of 41, 61
 a bill to divorce 61
 Wingate, Smith, and others, a bill for the benefit of 79, 133, 166, 183, 189
 199
 Winston, Robert P., petition of, and others 81, 223
 Winston, Wm., Jr., petition of, and others 81, 222
 Women, married, a bill further to protect the rights of 84, 186, 234, 313,
 340, 439, 440, 455
 Woods, an act to prevent the burning of the, in certain counties 121, 178,
 190, 215
 39
 Wood, Joseph W., petition of
 a bill for the benefit of 237, 318, 331, 337
 41
 Woodward, Wm. P., petition of 27, 128
 Wool growing interests, a bill to protect the of this State 107
 Worley, Jane, petition of 60
 Wright, Cheariba Ann; petition of 222
 Wright, N. E., a bill for the benefit of 42
 Wright, Phæbe A., petition of 81
 Wristen, Reuben, petition of 136, 179
 Wyatt, John, an act for the benefit of, and Lewis Barrett 148, 179, 391, 417, 426
 Wydel, Elizabeth, an act to divorce 40
 Young, Elias D., and wife, petition of 68, 128, 166, 189, 199
 Young, John, a bill for the benefit of 106, 130,
 Young, Susan Ann D., a bill for the benefit of, and her children 142, 149
 222
 Yates, Charles, petition of
 a bill providing for a change of venue in the case of 321,
 396, 416, 429
 Yates, Wm., petition of 177, 223, 234